

## FORTY YEARS AGO.

I've wandered in the village, Tom—I've sat beneath the tree—  
Upon the school-house playing-ground, which sheltered you and me.  
But some were there to greet me, Tom, and few were left to know,  
That played with us upon the green, some forty years ago.

The grass is just as green, Tom—barefooted boys at play,  
Were sporting just as we did then, with spirits just as gay!

But the master sleeps upon the hill, which, coated with snow,  
Afforded us a sliding place, just forty years ago.

The old school-house is altered now, the benches are replaced  
By new ones, very like the same old penknives had defaced.

But the same old bricks are in the wall, the bell swings to and fro;  
It's music's just the same, dear Tom, as forty years ago.

The spring that bubbled 'neath the hill, close by the spreading beech,  
Is very low—'twas once so high that we could almost reach.

And kneeling, downy got a drink, dear Tom, I started so,  
To see how much that I had changed since forty years ago.

Near by the spring, upon the elm, you know I cut your name—  
Your sweet-heart's just beneath it, Tom—and you did mine the same.

Some heartless wretch hath peeled the bark, 'twas dying sore,  
Just as the one whose name we cut, died forty years ago.

My eyelids had been dry, Tom, but tears came in my eyes  
I thought of her I loved so well, those early broken ties.

I visited the old church-yard, and took some flowers to strew,  
Upon the graves of those we loved some forty years ago.

And some are in the church-yard laid, some sleep beneath the sea,  
But few are left of our old class excepting you and me.

And when our time shall come, Tom, and we are called to go,  
I hope they'll lay us where we played just forty years ago.

## MISCELLANEOUS.

## Tales of a Backwoodsman.

BY MAJOR SAMUEL BUSHNELL.

MR. EDITOR:—On a searching day in the middle of June, 1830, whilst I was seated under a venerable live oak, on the evergreen banks of the Teche, waiting for the fish to bite, I was startled by the roarings of some animal in the cane-brake, a short distance below me, apparently getting ready for action. These notes of preparation were quickly succeeded by the sound of feet, trampling down the cane, and scattering the shells. As soon as I recovered from my surprise I resolved to take a view of what I supposed to be two prairie balls, mixing impudently in battle, an occurrence common in this country and season.

When I reached the scene of action, how great was my astonishment, instead of bulls to behold a large black bear, reared up on his hind legs, with his fore paws raised aloft, as if to make a plunge. His face was besmeared with white foam sprinkled with red, which, dropping from his mouth, rolled down his shaggy breast. Frantic from the smarting of his wounds, he stood gnashing his teeth and growling at the enemy. A few paces in his rear was the cane brake from which he had issued. On a bank of snow white shells, spotted with blood, in battle array, stood bruin's foe, in shape of an alligator, fifteen feet long! He looked as if he had just been dipped in the Teche, and had emerged like Achilles, from the Styx, with an invulnerable coat of mail. He was standing tiptoe, his back curved upward; and his tongueless mouth thrown open displayed in his wide jaws, two large tusks, and rows of teeth. His tail, six feet long, raised from the ground, was constantly waving, like a boxer's arm, to gather force. His big eyes starting from his head, glared upon bruin, whilst sometimes uttering hissing cries, then roaring like a bull.

The combatants were a few paces apart when I stole upon them, the "first round" being over. They remained in the attitudes described about a minute, swelling themselves as large as possible, but making the slightest motion with attention and great caution, as if each felt confident he had met his match.

During this pause I was concealed behind a tree, watching their manoeuvres in silence. I could scarcely believe my eyesight. What thought I, can these two beasts have to fight about? Whether they did fight upon the present occasion I cannot say. A bear and a ram have been known to fight, and so did the bear and the alligator, whilst I prudently kept in the back ground, preserving the strictest neutrality betwixt the belligerents.

Bruin, though evidently baffled, had a firm look, and showed he had not lost his wits. If the difficulty had once been decided, he would have gone at it again. He was looking himself down upon the alligator, and the alligator was ready for him, and throwing his head and body partly round to avoid the onset, met bruin half way, with a blow of his tail, that rolled him on the shells. Old Bruin was not to be put off with one hint; three times in rapid succession he rushed at the alligator,

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## Ellsworth American.

"We Live in Deeds, not Years; in Thoughts, not Breaths."

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ter, and was as often repulsed in the same manner, being knocked back by each blow just far enough to give the alligator time to recover the swing of his tail before he returned.

The tail of the alligator sounded like a hail against the coat of hair on bruin's head and shoulders, but he bore it without flinching, still pushing on to some close bolts with his scaly foe. He made his fourth charge with a degree of dexterity which those who have never seen this clumsy animal exercising, would suppose him incapable of. This time he got so close to the alligator before his tail struck him, that the blow came with half its usual effect. The alligator was upset by the charge, and before he could recover his feet, bruin grasped him round the body below the fore legs, and holding him down on his back, seized one of his legs in his mouth. The alligator was now in a desperate situation, notwithstanding his coat of mail, which is softer on his belly than his back. As Kentucky would say, he was getting up fast.

The alligator attempted in vain to bite pressed down as he was, he could not open his mouth, the upper jaw of which only moves, and his neck was so stiff he could not turn his head short round. The amphibious beast fetched a scream in despair, but being a warrior by flood and by field, he was not entirely overcome. Wreathing his tail in agony, he happened to strike it against a small tree that stood next the bayou, aided by this purchase, he made a convulsive flounder which precipitated himself and bruin, locked together, into the river.

The bank from which they fell was four feet high, and the water below seven feet deep. The tranquil stream received the combatants with a loud splash, then closed over them in silence. A volley of ascending bubbles announced their arrival at the bottom, where the battle ended. Presently bruin rose again scrambled up the bank, cast a hasty glance back at the river, and made off, dripping to the cane brake.

I never saw the alligator afterwards, to know him; no doubt he escaped in the water, which he certainly would not have done, if he remained a few minutes longer on land. Bruin was forced by nature to let go his grip under water to save his life, therefore think he is entitled to the credit of the victory; besides, by implied consent, the parties were bound to finish the fight on land, were it began, and so bruin, understood it. If this record should be carried up to the Supreme Court of the United States, I think the judge would decide in bruin's favor, by this modern principle of law: one thing is certain, viz.—They would decide that he had jurisdiction by implication; per force of which, what is it that cannot be nullified.

LECTURE ON LYING.—The following passage from a lecture delivered in Boston, by Henry Giles, Esq., has an Erinian ardor, combined with tenderness (says the Boston Courier), which cannot fail to strike the reader, even if he be not prepared to admit the application to any one hereabouts. Mr. Giles said:

"But then, the Irish tell such lies—especially the needy Irish, and above all, the servant girls! What sinners and exceptions they must be in the midst of surrounding truth! How guilty they must be, with such brilliant examples always and everywhere before them of simplicity, sincerity, veracity, and integrity! What severe conscientiousness in our parties and their leaders! How scrupulous our press! How full of propriety our statesmen! How rigorously verity rules our orators! How genuine is all mercantile commodity, and how abhorrent of falsehood is the word of seller unto buyer! Of what unbending rectitude are all our moneyed corporations; how honorable and how like Caesar's wife are all their agents!

And none of them ever run away with all the capital in their pockets. The man-servants and maid-servants that could be capable of a lie in such an age of truth are surely the most hardened of transgressors. Yet occasionally, untruth is noticeable in their better—at least, what simple people might consider untruth. Joseph Surface Goliathan, Esq., has no respect for the sanctities of other men's homes; but he burns with a sense of indignant virtue on finding out that Biddy went to meet her lover, when she said she went to see her aunt. Yet Joseph Surface Goliathan, Esquire, thinks lies, breathes lies, sleeps lies, dreams lies, buys lies, sells lies, pays lies, eats lies, drinks lies, and has lies piled to him; is himself a conglomerated lie—will die in a falsehood—and his ashes, after death, will be consecrated by an lying epitaph. For much and many, Joseph Surface Goliathan, Esquire, is a representative."

## Adventure on a Prairie.

S. H. Packard, Esq., an Iowa editor and lawyer, was recently lost in a snow storm, between Sioux Rapids and Fort Dodge. About three hours after he started, a heavy snow storm burst upon him, accompanied by high wind from the northwest. Knowing the danger of attempting to cross those large prairies in such a storm, he turned back and attempted to retrace his steps, but soon found that it was impossible for man or beast to face the storm; he, therefore, proceeded on his journey, confident that he could ride to the next house (40 miles) by night-fall. But his horse having broken through the ice several times, became afraid to go upon the ice, and he was delayed many times at sloughs, until night overtook him at a slough about half way across the prairie; here he found it impossible to induce the horse to go upon the ice, and while searching for a better crossing, the ice broke with him, and let him into the water above his knees. He endeavored to get ashore, but the ice broke and he struggled on through the ice, snow, and water a distance of twenty or thirty feet, before he came to firm ice.

He at once attempted to remove his shoes and stockings, but they were so encased in ice that it was impossible. Convinced that he must remain where he was, until morning, and that his only safety was in keeping in motion, he commenced running upon the ice, and continued to do so, until daylight the next morning, when, having succeeded in getting his horse across the slough, he started on foot, as he supposed, toward Fort Dodge. After walking about two miles and a half, he found he had turned around and was going back dragging his frozen feet through snow ankle deep, and at times knee deep, his horse following him and was again overtaken by night, about three miles from a house. Here he left his horse, and started on, hoping to reach the house in an hour or two, but he was so faint and weary that he fell frequently, and was nine hours in walking the last three miles. His sensations during the time, as described by him, were peculiar and strange; the road appeared to be embroidered in most beautiful colors, and he stopped and reached to pick up a specimen several times. Satisfied that his mind was wandering, he endeavored to divert his mind from the consideration of this subject, but in vain, if he looked at the side of the road, it appeared to be walled up, and to be covered with hogs lying on their backs!

Raising himself, he proceeded, and at length reached the house of Mr. Welch, about 4 o'clock in the morning. He was taken in and cared for until the arrival of friends from Fort Dodge.

A GOOD SERMON.—We have heard a story of the Elder Doctor Beecher, now of Cincinnati, that is said to be true, and is worth putting into types, as illustrating the truth that we never can tell what may result from an apparently very insignificant action. The doctor once engaged to preach for a country minister, on exchange, and the Sabbath proved to be one excessively stormy, cold, and uncomfortable. It was in mid-winter, and the snow was piled in heaps all along in the roads, so as to make the passage very difficult. Still the minister urged his horse through the drifts, till he reached the church, put the animal into a shed, and then went in. As yet there was no person in the house, after looking about, the old gentleman, then young, took his seat in the pulpit. Soon the door opened, and a single individual walked up the aisle, looked about, and took his seat. The hour came for commencing the service, but no more hearers.

Whether to preach to such an audience or not was now the question—and it was one that Lyman Beecher was not long in deciding. He felt that he had a duty to perform, and he had no right to refuse it, because only one man could reap a benefit of it; and accordingly went through all the services, praying, singing, preaching, and the benediction, with only one hearer. And when all was over, he hastened down to speak to this congregation, but he had departed.

A circumstance so rare was referred to occasionally, but twenty years after, it was brought to the doctor's mind quite strangely. Travelling somewhere in Ohio, the doctor alighted from a stage one day, in a pleasant village, when a gentleman stepped up and spoke to him, familiarly calling him by name.

"I do not remember you, sir," said Dr. Beecher.

"I suppose not," said the stranger, "but we spent two hours together, in a house, alone once, in a storm."

"I do not recollect it, sir," added the old man, "pray when was it?"

"Do you remember preaching twenty

years ago, in such a place, to a single person?"

"Yes, yes," said the doctor, grasping his hand; "I do indeed, and if you are the man, I've been wishing to see you ever since."

"I am the man, sir; and that sermon saved my soul, made a minister of me, and yonder is my church! The converts of that sermon, sir, are all over Ohio!"

## What We Die Of.

Under this heading the London Times discourses thus:

Foremost of all in destructive power, above plagues and epidemics of every description, comes that scourge of our island consumption. If we extend this designation, indeed, so as to embrace not merely phthisis proper, but pulmonary affections generally, we may actually state that almost one death out of every four occurring in England may be set down in this fatal source. The item is terrible; 100,000 deaths a year!

Next to consumption, but a long distance from it, follow the three complaints of the bowels, known as cholera, dysentery, and dysentery, which, together, produce annually about twenty-six thousand deaths. After these disorders comes the ever-present malady of fever, typhus alone, exclusive of infantile or remittent fever, being accountable for 17,000 deaths a year—a result equivalent to the mortality of a million of our population at its natural standard of healthiness.

With this we may almost close our list; for in comparison with these deadly enemies of life, other diseases are of little weight in the scale. Ague, for example, though in former generations one of our most dreaded plagues, and especially in this metropolis, does not now kill its 200 persons in a year, so salutary has been the effect of draining and paving. In Peterboro Hospital—the center of the ten districts, only one death from ague occurred in nine years out of 1,400 cases treated, though it is highly probable that much injury was done to vital powers. It is a reproach to our sanitary administration that small-pox is now known to be preventable—should still slay its 4,000 a year; but such is the case, and indeed, there is no point connected with the subject before us more deserving of earnest consideration than this and other liabilities of children.

Children die annually in such numbers, and in such a manner, that the mortality among them is made a matter of distinct computation apart from the mortality of adults; and we shall convey some idea of its proportions, when we say that its figures exceed any we have mentioned yet. The greatest destructive power is that ascribed to consumptive disorders proper, which are chargeable with 57,000 deaths; but these deaths are of all ages, infants included; whereas the mortality of childhood alone, and from three causes only of nervous disorders, common infectious disorders, and respiratory diseases, amounts to between 90,000 and 100,000 deaths a year.

FIFTY YEARS OLD.—To a boy of the thinking age, which he reaches about the time he begins to be particular about the cut of his jacket, a man fifty years old appears to be a very venerable being. To a young man who begins to feel his manhood and his beard, a man fifty years old is one who has passed through the troubles of life, and has no ambition for what the world calls vanities. To a man who has roughed it through thirty years, a man who is fifty years old is looked upon as a guide and a counsellor; while to a man who has passed his two score years old seems only a train or two ahead on the great railroad of life.

Fifty years of life, with its hopes and its disappointments, its deeds and its omissions, its enjoyments and its sufferings, appear to form in the aggregate a burden which might well suffice for one human being to wear, and therefore there is cause for true rejoicing, which makes us feel a deeper reverence for our common manhood when we see a brother who has withstood the storms and sunshine of half a century, without flinching from a sense of duty, without turning from the path of honor. His reward is within himself—friends may congratulate him that though many years he had been honored and respected, and there may be pleasing melody in their words, yet the heart which gives the sweeter music is the conscience. Many attain to the age of fifty who have these reflections. They are not selfish men, but their lives and actions show that they make the request that Abou Ben Adhem made, when he said—

"I pray you, then, Write me as one who loves his fellow men."

[Boston Saturday Evening Gazette.

Avoid that person who hates the laugh of

## Farm Management.

MR. EDITOR: Before I venture to speak of Farm management, allow me to take into consideration a few ideas advanced by O. F. G., which I read in the American for 22d of April. I presume he (O. F. G.) is not "misapprehended" in his "few remarks," neither is he misunderstood in relation to his method of farming; for judging from what he said I should say he is a "one idea" man, with little practical knowledge. It must be that his hoe doesn't hang right, or else his knowledge of the world is indeed limited, otherwise he would have known that the entire inhabitants of this world are dependent on the farmer for support—that a large portion of this globe is calculated for agricultural purposes—that it is the duty of every man to cultivate the same. I take it for granted that O. F. G. would work all day in a half bushel and not complain for want of room. What would a man of activity and intelligence do, I ask, on a farm of 5 or even 20 acres? I would be hardly a garden spot for a real farmer and would feel so pent up that he would believe himself imprisoned for life. If the gentleman referred to will have patience to "wait a week," he will have the pleasure of reading some more of my ideas of farming, which, by the way, though they appear so erroneous in the eyes of my friend are nevertheless sustained by experience and observation. If I were sure my O. F. G. would not take a "sniff" at what I have said, I should say the most important principles to be observed in farm management are the cultivation of crops. It is very important for the farmer to know the capability of his land, so that he may obtain from it the greatest amount of produce at the least expense. To prepare the soil for crops, different operations are required under different circumstances. Our soil as a general thing is too wet and compact, and therefore requires much labor in draining and pulverizing. The reason why some farms produce larger or better crops than others, proceeds in a considerable degree from the better preparation of the soil. We mean by this not only the actual richness or manuring of the soil, but we mean the mechanical condition which renders all necessary practicable advantages to vegetation.

Again it is of paramount importance for the farmer to understand if possible, thoroughly, the adaptation of different plants to different soils, and thereby learn the special requisites of different crops. The growth of grass as every farmer knows, can be promoted by mixing different soils; and of course it would have the same effect with other plants; but most any soil can be made to produce good yields if well manured. Apply the dressing and you are about sure of good crops.

Poor husbandry and poor cultivation will make both the farm and farmer poor. Poverty is sure to follow it, and a distressing member is he to any family. Let the farmer sell off his cattle because they bring a high price, and then sell off his hay because he has more than is wanted for his remaining stock, then go to the market for his supplies and he will soon experience the evil of living on poor land and think he had better sell the rest—the soil—and go to the West.

I tell you, if there is a class of people in the world whose privilege it is to live a life of comparative ease and comfort, when considered in relation to any, and every other life it is the farmer. There are those, however, who disdain its simplicity and aspire to what they deem loftier positions; as much as to say that one vocation is a notch higher in the scale of being than another, and men are honored in regard to the position in which their calling places them. I believe any calling may be considered honorable which, in its prosecution does not incur the violation of the laws of God. But let us not wander from the subject. Many agriculturists for a long time have had under discussion topics which are of little or no importance, as I believe—such as "when to cut hay," and "deep and shallow plowing," &c. I have read with interest the testimony of experienced farmers on the subjects in hopes to learn the correct principles which might be of advantage to me in coming time, but have failed. I have come to the conclusion, however, whether it be right or wrong, that we should commence haying at the time—near as we can judge—when the juice of the stalk ceases to flow and the blossom is about to fade. As for plowing, let it be remembered that the sun has much to do with germinating the seed, and should therefore be so near the surface as to feel much of its influence.

A word more and I close: It is now

way are improving the fine weather with which they are blest. Let all who do not want to "beg in harvest and have nothing," commence their farm work in good earnest, and while they are about it, provide largely for the coming winter. Remember, that if we neglect the work which belongs to this month, it makes us behindhand all the rest of the year. Farming is a business which requires the labor of the hand as well as the head, for

"He who by the plow would thrive, Himself must either hold or drive."

G. E. G.

Gouldsboro', April 29, 1859.

Will G. E. G. write only on one side of his sheet. Also bear in mind while discussing the subject in hand that you are writing for others and to others besides the one who replied through the American to some of your positions. Please leave the Debating Club to talks of opponent. These hints are kindly meant. [Ed.]

## A Spiritual Contest.

The Boston Courier speaks as follows of a recent trial of skill between Mr. Bly, a famous "Medium Detective," and Mrs. Coan, one of the most distinguished mediums in the country, in Boston, last week.

The announcement that Mrs. Coan, "the celebrated rapping Test Medium," and Mr. Bly, the "Detective Medium," were to meet for a trial of skill at the Melodeon last night, drew together a large audience. At eight o'clock Mr. Bly appeared upon the platform and addressed the multitude, saying he believed that all the manifestations usually attributed to the influence of spirits were caused consciously or unconsciously, by the "mediums" themselves—that he had been referred to Mrs. Coan as one of the most prominent and respectable of her class—that he had held an interview with her—and that she had consented to meet him, and to try her powers in the production of the manifestations referred to. When she had concluded her experiments, he should perform the same feats, and, as he expected, more satisfactorily. He then retired, and Mrs. Coan made her appearance. She stated to the audience that her "manifestations" might or might not be produced by departed spirits; if they were so made, they would be done better than Mr. Bly could do them; that she desired to have a committee of three fair persons chosen by the assembly, and that if they, after comparing the results of the evening's experiments, should decide that her efforts were less successful than those of Mr. Bly, she should be willing to renounce her belief in the theory of spiritism.

The committee was chosen after some delay, consisting of three persons, each declaring that while he was no spiritualist he had no strong prejudice or bias either for or against the doctrine to be tested.

The ballot test was the one applied, and, first, the committee wrote on slips of paper the names of some deceased friends or acquaintances, folded the slips carefully, and laid them before Mrs. Coan. She commenced her manifestations by asking of the table if any spirits were present, to which question she gained a response of three raps. Then, inclining her ear towards the place whence came the sound, she inquired if the spirits would inform her as to the name inscribed on any of the slips of paper; silence, signifying refusal, followed. A second lot of ballots were prepared, and the same result followed similar operations. Then papers were circulated among the audience and a large number of names were written. The ballots once more prepared, the spirits condescended to write the name contained in one of them. The slip of paper was then unfolded, and the name there inscribed was seen to be the same as the one written by the spirit. It was unfortunate that the paper on which it was written, though apparently similar to that furnished by Mrs. Coan, and used by the committee, was yet a good deal crumpled and worn, as if it had been carried in a pocket, and that the person who wrote the name could not be found in the house. Again the three raps were heard, as Mrs. Coan took in her hand the ballots, one by one, and another name was written, and written correctly; this time the writer was found and proved to be a lady, addicted to spiritism, who said she was quite unacquainted with Mrs. Coan, but who had prepared her ballot at home and brought it with her, for what reason it was not stated. So far the experiments were not entirely satisfactory. It was then agreed that the ballots should be carefully folded, and enclosed in outside wrappers; this was done while Mrs. Coan left the stage; when she returned and asked the spirits to write another name, they with one consent, refused. She

who again ventilated his ideas in a brief speech. A fresh lot of slips was distributed among the people, and a quantity of names were written and folded out of eight. Giving a capital imitation of the human hand under spirit influence, Mr. Bly wrote correctly the name written in one of the papers. At the request of some one in the audience, he spoke the next name instead of writing it; this also was given correctly, and the writer of the ballot being questioned stated that he was not a spiritualist, and that he never saw Mr. Bly before. The slips were then rolled up in double wrappers, but yet another name was rightly given, and again the writer denied ever having seen Mr. Bly. This terminated the active experiments of the evening. Mrs. Coan reappeared on the stage, and stated that in her opinion nine-tenths of the so-called "spiritual manifestations" were utter and shameful impostures. She believed in the honesty of Mr. Bly, and sustained him in an assertion he had made, that after his first appearance in Boston every medium had left the city. When Mr. Bly goes to New York, she said the mediums would return here; she believed they were afraid to meet him, and she asked if this were not sufficient proof of their dishonesty. As to her own case, she said she did not know but she produced the manifestations herself; she could only truly say that, if she did so, it was done unconsciously. She exposed the manner in which the ghostly hand of the Davenport boys was made to appear above the table, stating that it was nothing but a stuffed glove elevated on the toe of a boot; that the trick had been thoroughly exposed in New York, but that every spiritual paper had refused to publish the account of the detected imposture. Another fact she made known was this: one of the most celebrated "trance speakers" had recently delivered some "inspirational discourses" on the creation; this woman went to a gentleman in New York city, obtained through him sundry old books of sacred and profane history, studied them for six weeks, committed her lectures thus prepared, to memory, and delivered them in a trance state!

The committee agreed that every thing attempted by Mrs. Coan, had been really done, and well done by Mr. Bly, and could be accounted for on natural principles. [Ex.]

WISDOM IN LOVE-MAKING.—We hope all our young friends will both read and heed the following admirable advice from a man of experience and a writer of celebrity. "I know that men naturally shrink from the attempt to obtain companions who are their superiors; but they will find that really intelligent women, who possess the most desirable qualities are uniformly modest, and hold their charms in modest estimation. What such women most admire in men is gallantry; not the gallantry of courts and fops, but boldness, courage, devotion, decision, and refined civility. A man's bearing wins ten superior women where his boots and brains win one. If a man stand before a woman with respect for himself and fearlessness of her, his suit is half won. The rest may be left to the parties most interested. Therefore never be afraid of women. Women are the most harmless and agreeable creatures in the world to a man who shows that he has got a man's soul in him. If you have not got the spirit in you to come up to a test like this, you have not got that in you which most pleases a high-souled woman, and you will be obliged to content yourself with the simple girl who, in a quiet way, is endeavoring to attract and fasten you. But don't be in a hurry about the matter. Don't get into a feverish longing for marriage. It isn't creditable to you.—Especially don't imagine that any disappointment in love which takes place before you are twenty-one years old will be of any material damage to you. The truth is, that before a man is twenty-five years old, he does not know what he wants himself. So don't be in a hurry. The more of a man you become, and the more manliness you become capable of exhibiting in your association with women, the better wife you will be able to obtain; and one year's possession of the heart and hand of a really noble specimen of her sex is worth nine hundred and ninety-nine's possession of a sweet creature with two ideas in her head, and nothing new to say about either of them. So don't be in a hurry, I say again. You don't want a wife now, and you have not the slightest idea of the kind of wife you will want by-and-by. Go into female society, if you can find that which will improve you, but not otherwise.—You can spend your time better. Seek the society of good men. That is often more accessible to you than the other, and it is through that mostly that you will find your way to good female society."

FOR PICKER'S PEAK. The St. Louis Democrat of Friday says that every boat bound up the Missouri is crowded with passengers bound to the gold regions. Three or four boats were to leave on t. day, with an average of perhaps two hundred and fifty passengers each. Every boat from the South, the North, and the Illinois and Ohio river, brings from five to a hundred and fifty Pickers' Peakers.

SPONGE CAKE.—The yolks of 3 eggs, 3-4 cup butter, 1 cup sugar, 8 cups flour, 1 tea-spoonful cream of tartar, 1-2 tea-spoonful soda, 1-2 tea-spoonful milk.

Costs: 3-4 cup butter, 1 cup sugar, 8 cups flour, 1 tea-spoonful cream of tartar, 1-2 tea-spoonful soda, 1-2 tea-spoonful milk.







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**Saddlery and Embroidery Silks.**

Needlework, Dress Buttons and Needles. An as-

sortment of Clocks, for Ladies.

We are also prepared to make CLOTH-

ING to order, in the neatest and most workman-

like manner.

**OUR CUSTOM DEPARTMENT**

cannot be excelled in the State, as we have one of

the most careful and scientific Cutters in the Coun-

try, engaged to see that each work is rightly

done.

Let one thing be distinctly understood. VIZ.

**THAT THIS STOCK MUST BE SOLD OUT**

**—AND THAT WE WILL SELL GOODS**

**10 Per Cent**

**CHEAPER THAN OTHER CONCERN IN**

**TOWN.**

S. PADLEFORD & CO.

141

**\$1000**

WORTH OF

**DOMESTIC GOODS,**

FOR SALE AT THE

**PEOPLES'**

**CHEAP STORE.**

**15 Per Cent Less**

Than Goods are offered for in Ellsworth.

ALSO,

500 BBL. FLOUR.

2000 BUSH. RUSH MEAL.

CALL AND SEE MONROE YOUNG.

Ellsworth, May 6, 1859. 151

1859. **SPRING**

**AND**

**1859. SUMMER STYLES.**

**E. D. SHAW & CO.**

Having just returned from Boston,

with the latest and most fashionable

styles of

**MILINERY**

**AND**

**FANCY GOODS**

The most varied and complete assortment in

the County, comprising the latest variety of

Travelling Caps, Millinery Caps, and Head Dresses, of all

varieties.

**MOURNING GOODS**

of all kinds, including Black, Blue, and Green

Travelling Caps, Millinery Caps, and Head Dresses, of all

varieties.

**Bonnets Bleached**

Orders from millinery stores attended to as usual,

with promptness and dispatch.

Ellsworth, April 29, 1859. 141

**NEW BOOKS.**

**The Pillar of Fire or**

**ISRAEL IN BONDAGE**

by the author of the

Prisoners of the House of David.

**THE LADY OF THE ISLE.**

by Mrs. E. D. N. Southworth.

**TRUE TO THE LANT.**

OR ALONE IN THE WIDE WILDERNESS.

by A. S. Roe.

**FANKWEI.**

OR THE SAN JACINTO IN THE

SEAS OF INDIA, CHINA AND

JAPAN.

SPURGEON'S SERMONS, 5th Series.

Just received, and for sale, by

M. HALE.

**CLOSING UP.**

THE business formerly carried on under

the firm of S. Padleford & Co., will

continue, in order to settle all accounts

belonging thereto. Therefore, all persons

indebted to the said concern, by note or account, are

requested to make immediate payment.

S. P. & Co.

141

**\$20 Reward.**

LOUIS GUIDI set fire to the Jail last night,

(May 1st), and escaped. Guidi was about five

feet 9 or 10 inches high, of light complexion,

equipped in one eye and talk little English.

He was away old black clothes and a black

cap. The above reward will be given for the

apprehension and delivery of said prisoner to the

Jail in Ellsworth. J. H. THOMAS, Sheriff.

Ellsworth, May 2, 1859. 14

**A House to Let.**

THE undersigned has a good tenement

which will lease for one year or more,

pleasantly situated on his farm between the low

water and the village, and is a first rate

location for a seafaring man with a small family.

Terms reasonable to those who intend to pay the

rent. RICHARD TINKER.

Ellsworth, April 29, 1859. 141

**EMPLOYMENT.**

**\$50 A MONTH, AND ALL EX-**

**PENSES PAID.—AN AGENT**

**is wanted in every town and county in the United States,**

**to engage in a respectable and easy business,**

**which the above profits may be certainly realized.**

For further particulars, address Dr. J. H. THOMAS,

Warner, corner of Broad and Mercer Streets,

New York City, enclosing one postage stamp.

6mo. 2.

**MEDICAL NOTICE.**

Dr. P. B. HARDING, having removed from

Berry to Ellsworth, and located his office in the

building on the corner of Broad and Mercer Streets,

and offering his professional services to the citizens of

Ellsworth and vicinity. Prompt attention given to all

cases. P. B. HARDING.

Ellsworth, May 6, 1859. 141

## Dry Goods Notice.

NEW

**SPRING GOODS!**

AT WHOLESALE.

THE SUBSCRIBER IS NOW RECEIVING HIS

LARGE STOCK OF

**NEW SPRING GOODS,**

to which he invites the attention of his Customers

and all buyers of

**DRY GOODS.**

among which are

**50 CASES NEW STYLE PRINTS,**

Including rich Style Mourning Prints and Robes;

Orange, Blue and White, do.

**10 Cases Rich Mous. DeLaines,**

Valencias, Gingham Mohairs

and other rich

**DRESS GOODS.**

Cases best made Bleached Long Cloths, Corset

Jeans and Cambrics.

150 Cases and Bales best makes for sheetings

and Shirts, Drills, Denims, Stripes and Cotton

Flannels.

30 Cases Boston and Rockport DUCK.

25 Cases Double and Twist, and

**Summer Cloths,**

CASES AND BALES BROADCLOTHS,

CASSIMERES AND SATINETS,

of the best manufacture.

50 Bales best make "Savanna Cotton Warps."

100 BALS BATTINGS.

Bales Sateen and Blue Twilled FLANNELS.

Feckings, Grass and Wicking, Twine, Corn Bags,

Pine, Hocks and Eyes, Linen and Cotton

Threads, Family's Thistle Spool Cottons.

Also,

the WILLIAMSON & CO'S PATENT FINE

SPINNING.

White and Colored with a general Stock of

TRIMMINGS.

The above, with a general Stock of DRY

GOODS too numerous to mention (a large

portion of which were contracted for before the late

fire in merchandise) are now offered for sale at the

**LOWEST WHOLESALE PRICES.**

ENTIRE STOCK OF DRY GOODS PUT UP AS

LOW AS THEY CAN BE OBTAINED FROM

BOSTON, for cash or approved credit, at his

**SALES ROOMS,**

NOS 3, 4 and 5, STATE STREET.

East Side Kensington Street, Bangor, Maine.

THOMAS A. WHITE.

April 17, 3m 12.

**NOTICE OF FORECLOSURE**

WHEREAS Mary O'Connell, of Franklin, in the

County of Hancock, State of Maine, on the 11th

day of July, 1857, by deed of mortgage duly

acknowledged and recorded in the Hancock Regis-

try, Vol. 119, page 119, conveyed to the said

Ellsworth, in said County, administrator of the

estate of Thomas J. O'Connell, late of Ellsworth,

a certain lot of land situated in Franklin, afore-

said, reference being had to said deed and record

for a more particular description.

The conditions of said mortgage having been

broken, I hereby certify to foreclose the same.

Attest, ALFRED PARKER, Administrator.

Ellsworth, April 16, 1859. 13

**NOTICE OF FORECLOSURE.**

WHEREAS Joshua Davis, Jr., of Brookville, in the

County of Hancock, by his mortgage deed

dated 12th July 1854, and recorded in the Han-

cock County Registry of Deeds, Vol. 99, page 206,

conveyed to Joseph Westcott, of Castine, a certain

lot of land with the privileges and appurtenances

thereunto belonging, situated in Brookville, be-

lieving the term now occurred by said Davis; and

whereas said Joseph Westcott having assigned

said deed to me, the conditions of which having

been broken, I hereby certify to foreclose the same,

and give notice of the same, and by reason thereof

claim a fore-closure of said mort-

gage, with a general Stock of

TRIMMINGS.

TO WHOM IT MAY CONCERN.

NOTICE is hereby given that I, the subscriber,

give to my son Joseph Davis, (now about eight-

teen years of age), the remainder of his time;—

that I will claim none of his earnings, neither

will I claim any of his property, nor will I

claim any right or interest in him after this date,

but I will respect all his rights as to himself,

as if he were twenty-one years of age.

Attest, JOHN CLISHE.

Witness, CHARLES P. WARE.

Brookville, April 13, 1859. 3m 12

**FARM STORE AND WOOD LOT FOR SALE.**

THE subscriber wishing to go west, offers for

sale his very desirable property situated in

Blue Hill, consisting of an excellent House in the

Village, (with a new, falling well of water,) 24

by 35 feet, two stories, all finished, and 100

one and one-half acres, all finished, Wood shed

26 by 40 in good condition, Garden attached with

a good supply of fruit trees &c.; carriage house

24 by 25; Store on same 26 by 18 one and a half

acres with a good out-house. Two yards with 25

with a large Barn-house, and all the tools for

carrying on the business. Also a small dwelling

house in the lot, not in very good repair, with

about an acre of land, with some good apple trees

on the same. A Farm (about 40 acres, 3

of which is good tillage, and ten acres of second

growth wood within half a mile of the Village—

wood land of about 2 miles from the Village,

with about 600 cords on the same.—

Terms reasonable.

A. A. FISK.

Bluehill, May 1859. 3m 12

**ADMINISTRATOR'S SALE OF**

**REAL ESTATE.**

By virtue of a license from the Court of Pro-

bate for the County of Hancock, I shall sell on the

fourteenth day of October, A. D. 1859, at 10 o'clock A. M.

at the office of the Real Estate of Peter Powers late

of Brookville, deceased, situated in Brookville, as

will produce the sum of Twenty-five Hundred dol-

lars for the payment of the debts and incidental

charges.

MICHAEL MCCABE.

NEWEL POWERS, Administrator.

Notice of Foreclosure.

WHEREAS John Hawks of Ellsworth, in the

County of Hancock, State of Maine, in the six-

teenth day of October, A. D. 1856, by his deed

of mortgage of that date, conveyed to me, Michael

McCabe of said Ellsworth, a certain parcel of land

with buildings thereon, situated in said Ellsworth.

For a particular description refer to said deed re-

corded in Hancock Registry book 113 Page 292;

whereas the condition of said mortgage has been



patronage of the old friends of Mr. Hale is respectfully solicited. To all who may want anything in our line, we would any give us a call and we will guarantee entire satisfaction.

**SYDNEY FIFIELD & CO.**  
Elizabeth, Dec. 27, 1859. 49 4m

**HIGHWAY SURVEYOR'S BOOKS.**  
**TAX COLLECTOR'S BOOKS.**

For sale by **M. HALE.**  
Elizabeth April 1, 1860. 41 10

As the printer that I have relinquished to my son Amos Lampher, his time until he is twenty-one years of age, that I shall claim none of his earnings, nor pay any debts of his contracting after this date.

**STEPHEN LAMPHER.**  
Witness:—CHRISTOPHER ATWOOD,  
Bucksport, April 11, 1859. 3w16



# ELLSWORTH AMERICAN ..... EXTRA.

## PUBLIC LAWS OF THE STATE OF MAINE.

Passed by the Thirty-Eighth Legislature, A. D. 1859.

AN ACT relating to the annual school returns and the distribution of the State school funds.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. The superintending school committees or supervisors of the several cities, towns and plantations, shall make their annual school returns now required by law into the office of the secretary of state, on the first day of May, and shall give the number of scholars as they existed on the first day of April, preceding.

SECT. 2. The secretary of state shall, on the first day of June, notify the school committees of any towns who returns were not received at his office in May, and shall annually ascertain on the first day of July, the number of children between four and twenty-one years of age, in the towns from which returns are received, and furnish a list thereof to the State treasurer, and the treasurer shall immediately after the first day of July apportion to the towns all State school funds for the year, according to such list, and in the manner prescribed in section twenty-five chapter eleven of the Revised Statutes.

SECT. 3. All acts and parts of acts, inconsistent with this act, are hereby repealed.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor.

[Approved February 15, 1859.]

AN ACT to enable cities and towns to procure the writing and publication of the histories of the same.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

The inhabitants of cities and towns are hereby authorized and empowered to procure the writing and publication of the histories of their own cities and towns, and for this purpose may raise such sums of money as may be necessary for the same, in the same manner as cities and towns are now authorized to raise money for necessary city and town charges.

[Approved February 15, 1859.]

AN ACT to amend the act entitled "An act to establish a Municipal Court in the city of Portland," approved February twentieth, eighteen hundred and fifty-six.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

SECTION 1. That the act entitled an act to establish a municipal court in the city of Portland, approved February twentieth, eighteen hundred and fifty-six, is hereby amended by striking out in the ninth section of said act, the words "and Thursday"; so that said section may read as follows:

Section 9. The municipal court shall be held on Monday of each week, at the office of the clerk in the forenoon, and no civil process shall be returnable at any other time.

SECT. 2. Said act is hereby further amended by adding to the tenth section thereof, the following words: "All writs issued by said court shall be under its seal and bear test of the judge, and shall be signed by the recorder;" so that the whole of said tenth section may read as follows:

Section 10th. There shall be a recorder of said court, who shall always be a justice of the peace, and duly qualified as such, and he shall be appointed by the governor by and with the advice of the council; he shall be duly sworn as recorder, and shall keep a fair record of the proceedings of the court, and deliver copies, when required, for the same fees which are allowed to justices of the peace. All writs issued by said court shall be under its seal and bear test of the judge, and shall be signed by the recorder.

SECT. 3. Said act is hereby further amended, by adding thereto the following section:

The costs recoverable by parties in said court shall be as follows: The plaintiff, if he prevail, shall be entitled to recover one dollar for his writ, and the defendant, if he prevail, shall be entitled to recover an attorney fee of one dollar; and all other costs recoverable by either party, shall be taxed as before justices of the peace.

[Approved February 15, 1859.]

AN ACT for the protection of buoys and beacons.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Any person who shall moor any vessel, scow or raft, to any buoy or beacon placed by the United States in any of the navigable waters of this state, or who shall in any manner make fast thereto any vessel, boat, scow or raft, shall forfeit and pay fifty dollars; and any person who shall wilfully remove or destroy any such buoy or beacon, shall forfeit one hundred dollars, and be imprisoned in the common jail three months; said forfeitures may be recovered by complaint or action of debt, before any court competent to try the same, one half to the plaintiff or informer, and the other half to the county in which the trial shall be had.

[Approved February 19, 1859.]

AN ACT additional to chapter seventy one of the Revised Statutes relating to sales of real estate by executors, administrators and guardians.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. Whenever any administrator, executor or guardian, duly licensed to sell and convey real estate, shall, before filing on the time and place of sale, have taken the oath required of him by law, but if a certificate of such oath has not been returned to and filed and recorded in the probate court, on the trial of any action respecting said estate, parol evidence may be received of such oath having

been administered; and if it shall appear that such administrator, executor or guardian was duly sworn, it shall have the same effect as though a certificate thereof had been returned, filed and recorded.

SECT. 2. This act shall be in force from and after its approval by the governor.

[Approved February 24, 1859.]

AN ACT in relation to powers of notaries public.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

When a notary public is authorized by the laws of this state, or of the United States, or by the laws of any other state or country to do any official act, he may administer any oath necessary to the completion or validity of such official act.

[Approved March 5, 1859.]

AN ACT to amend section thirty-four of chapter seventy-six of the Revised Statutes, relating to adjournment of sales by officers in certain cases.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. Section thirty-four of chapter seventy-six of the Revised Statutes of this state is amended by adding the following, viz: and when said officer is unable by reason of sickness or otherwise to attend at the time and place appointed for the sale, any other officer who can legally serve the precept on which the sale is to be made, shall have power to adjourn the sale for any time not exceeding ten days, and that the end of the adjournment the inability is not removed, may proceed to sell in the same manner as the officer appointing the time and place of sale might do, and he shall have authority to make all necessary returns, and do all acts in relation thereto in the same manner as the officer appointing the time and place of sale might have done and with like effect, so that said section shall read as follows:

SECT. 2. When the officer deems it for the interest of all concerned to postpone the sale, he may adjourn it for any time not exceeding seven days, and so on from time to time until a sale is made, giving notice at the time of each adjournment by public proclamation; and when said officer is unable by reason of sickness or otherwise, to attend at the time and place appointed for the sale, any other officer who can legally serve the precept on which the sale is to be made, shall have power to adjourn it for any time not exceeding ten days, and if at the end of the adjournment the inability is not removed, may proceed to sell in the same manner as the officer appointing the time and place of sale might do, and he shall have authority to make all necessary returns and do all acts in relation thereto, in the same manner as the officer appointing the time and place of sale might have done and with like effect.

[Approved March 5, 1859.]

AN ACT to provide for recording discharges of attachment on real estate.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. Whenever an attachment on real estate shall be dissolved in the manner specified in section thirty-three of chapter eighty-one of the Revised Statutes, the register of deeds for the county in which such attachment has been recorded, shall keep a fair record of the margin of the record of the same, whenever there shall be produced to him a certificate of the clerk of the court in which the judgment for the defendant shall have been rendered, stating the fact that final judgment has been rendered for said defendant, and the clerk of the court shall give such certificate to any person applying for the same upon the payment of a fee of twenty-five cents.

SECT. 2. An attachment of real estate may also be discharged by the plaintiff in the suit in which the same is made, by causing a discharge thereof, under his hand, to be entered on the margin of the record of said attachment, or by a certificate under the hand and seal of such plaintiff, to be acknowledged before a justice of the peace, to the effect that said attachment, in whole or in part, had been and was thereby discharged, which certificate shall be received and recorded by the register of deeds, who shall enter a reference thereto on the margin of the record of said attachment.

The register of deeds shall receive twelve cents for entering a discharge of an attachment on the margin of the record, and twenty-five cents for recording said certificate, including the reference thereto as aforesaid.

SECT. 3. This act shall take effect when approved by the governor.

[Approved March 5, 1859.]

AN ACT to punish for intoxication.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

SECTION 1. Any person hereafter found intoxicated in any street, highway or public place, or found intoxicated in any private building or place disturbing the peace of the public, or of his own or any other family, shall be punished by a fine not exceeding five dollars, but if after conviction he is again guilty he shall be punished by a fine not exceeding ten dollars, or by imprisonment not exceeding sixty days; and such offence may be prosecuted before a justice of the peace or judge of a police or municipal court within thirty days after they are committed, but said justice or judge of the peace may remit said punishment in whole or in part whenever he shall become satisfied that the public welfare and the good of the prisoner may require.

SECT. 2. Any such person found intoxicated as aforesaid may be taken into custody by any sheriff, deputy sheriff, marshal or deputy marshal, police officer or watchman, and committed to the watch house or restrained in some suitable place until complaint can be made and warrant issued against him.

SECT. 3. All acts or parts of acts, inconsistent with the

provisions of this act, are hereby repealed, and this act shall take effect when approved by the governor.

[Approved March 11, 1859.]

AN ACT regulating actions of foreign attachment.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. In all actions commenced by trustee process in the supreme judicial court, or before a municipal or police court or justice of the peace, upon a judgment of either of said courts, or justice when an execution might legally issue thereon, and it shall be made to appear to such court or justice, that at the time of bringing such action, the defendant was openly possessed of visible property, liable to attachment, sufficient to satisfy such judgment, or that it was brought for the purpose of vexation, or to accumulate costs, the action at any time, on motion shall abate with costs to defendant.

SECT. 2. This act shall be in force from and after its approval by the governor.

[Approved March 11, 1859.]

AN ACT to amend the fifty-second section of the fortieth chapter of the Revised Statutes, relating to fish in ponds in Kennebec and Somerset counties.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

SECTION 1. Whoever sets any net, seine, weir or other obstruction in Snow, Great, Long, McGrath, North, East or Richardson ponds, or any stream flowing from or into them in the counties of Kennebec or Somerset, for the purpose of taking, destroying or obstructing the free passage of fish therein, shall forfeit two dollars; and whoever takes or destroys any fish therein, except by dip nets or hook and line, shall forfeit a sum not exceeding one dollar for each fish so taken or destroyed; and these penalties may be recovered by indictment or by complaint before a justice of the peace, one half thereof to the use of complainant and the other half to the state.

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved March 14, 1859.]

AN ACT to change the time of holding a term of the Supreme Judicial Court for the county of Androscoggin.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

SECTION 1. The supreme judicial court shall be held on the fourth Tuesday of September annually, at Auburn, within and for the county of Androscoggin, instead of on the fourth Tuesday of August as is now provided.

SECT. 2. This act takes effect when approved.

[Approved March 14, 1859.]

AN ACT relating to insurance companies.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

The twenty-first section of the forty-ninth chapter of the Revised Statutes is hereby amended so as to read as follows:

Section 21. Every insurance company existing or doing business in this state, shall on or before the first day of December in each year, transmit to the secretary of state to be laid by him before the Legislature, a statement of its condition as it existed at the time of its exhibit next preceding, showing the amount of capital stock, the amount of said stock actually paid in, and how the same is invested, the amount at risk, the amount of premium notes, the amount of liabilities, and shall cause the same to be published in some paper printed in the county where the company is located. And all foreign insurance companies doing business as aforesaid shall on or before said day transmit a like statement to the secretary of state for the purpose aforesaid, and shall cause the same to be published in some paper printed in each county where such company has an agency or takes risks.

[Approved March 14, 1859.]

AN ACT to provide for the commutation of the sentence of certain persons.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

SECTION 1. Whenever any person has been or may be sentenced to confinement in the state prison, the governor with the advice of the council, may, if he shall deem it consistent with the public interest and the welfare of the convict, commute said sentence to confinement in the county jail, there to be supported at the charge of the state, at an expense not exceeding the price paid for the support of other prisoners in said jail.

SECT. 2. This act shall take effect when approved by the governor, and shall continue and be in force for the term of four years, and no longer.

[Approved March 22, 1859.]

AN ACT relating to the admission of attorneys at law to practice.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

SECTION 1. The supreme judicial court or any justice thereof shall appoint annually, in each county, an examining committee of three or more persons, learned in the law, whose duty it shall be to examine thoroughly, touching his qualifications as a lawyer, any applicant of this state, of the age of twenty-one years, who shall apply to be



admitted to practice as an attorney at law in the judicial courts of this state, and if said committee, or a majority thereof, upon such examination, shall be satisfied that the applicant possesses the requisite legal attainments, and good actions, and that he sustains a good moral character, they shall give him a certificate to that effect.

**SECT. 2.** The twenty-first section of the seventy-ninth chapter of the Revised Statutes is hereby repealed; and that part of the twenty-second section of the same chapter, preceding the oath therein set forth, is hereby amended so as to read as follows: "No person shall be thus admitted to practice until he submits himself to such examination, and produces to the court such certificate from said examining committee, and also pays the duty by law required, and in open court takes and subscribes the oath to support the constitution of the United States, and also takes the following oath, viz: which oath shall be the same now set forth in said section."

**SECT. 3.** Section twenty-third of the same chapter is hereby amended by striking out the words "or by any citizen of good moral character who produces in court a letter of attorney for that purpose."

[Approved March 22, 1859.]

**AN ACT** relative to the time of making official reports.  
*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

All official reports required to be made annually to the governor and council shall hereafter be submitted on the first day of December, except when that day falls on Sunday, and then on the following day, and all acts inconsistent herewith are hereby repealed.

[Approved March 22, 1859.]

**AN ACT** relating to the branding of time.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Hereafter all marks now required by law to be branded upon time casks, by the inspector or manufacturer, may be made upon the casks with paint, provided, the same be done in a suitable and legible manner.

**SECT. 2.** This act shall take effect when approved by the governor.

[Approved March 22, 1859.]

**AN ACT** to increase the salary of the County Attorney for the county of Arnooscook.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** From and after the first day of January, eighteen hundred and fifty-nine, the salary of the county attorney for the county of Arnooscook shall be two hundred dollars instead of the sum now allowed by law.

**SECT. 2.** This act shall be in force from and after its approval by the governor.

[Approved March 22, 1859.]

**AN ACT** additional to chapter eighty-two of the Revised Statutes relating to practice in courts.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

In all cases of general demurrer to the declaration after the pleading judge shall rule on the demurrer, and before exceptions filed and allowed, he shall have the same power to allow the plaintiff to amend or the defendant to plead an answer, that the full court has by section nineteen of the chapter to which this is additional.

[Approved March 22, 1859.]

**AN ACT** additional to chapter eighty-one of the Revised Statutes relating to attachment of property.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Any person owning or holding one or two horses, by law exempted from attachment, may own and hold exempt from attachment and seizure on execution one harness for each of said horses, not exceeding twelve dollars in value, and one horse-led not exceeding fifteen dollars in value, if he does not at the same time own an ox-wheeled, in which case he may elect which sled shall be so exempted.

**SECT. 2.** This act shall take effect when approved by the governor.

[Approved March 22, 1859.]

**AN ACT** to amend section twenty-one of chapter eighty-three of the Revised Statutes, relating to certifying copies of judgments rendered by justices of the peace.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The twenty-first section of the eighty-third chapter of the Revised Statutes is hereby amended, so as to read as follows:

**SECTION 21.** Any justice whose commission expires and is not renewed, may during two years thereafter certify copies of judgments rendered by him while in commission, and issue and renew execution thereon, which shall be obeyed by the officer, as if the commission of the justice had not expired, and after said two years, copies of said judgments may be certified, and executions thereon issued and renewed as in the case of the death of any justice.

**SECT. 2.** This act shall take effect when approved by the governor.

[Approved March 22, 1859.]

**AN ACT** to amend chapter forty-six of the Revised Statutes, relating to enforcing executions against stockholders of corporations.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

Section twenty-five of chapter forty-six of the Revised Statutes is hereby amended so that it shall read as follows:

**SECTION 25.** At any time within six months after the return of an execution against a corporation recovered on a debt for which any stockholder is liable under the preceding section, unsatisfied in whole or in part, for want of attachable property of the corporation, the plaintiff in such execution may make demand of any stockholders of such

corporation to disclose and show attachable property of such corporation sufficient to satisfy the execution.

[Approved March 22, 1859.]

**AN ACT** additional to chapter twelve of the revised statutes, relating to recording deeds of lots in burial grounds.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Any person who may purchase a lot in any private cemetery, may have his deed recorded in the office of the clerk of the town in which such cemetery is located, and it shall have the same effect as if recorded in the registry of deeds for the county.

**SECT. 2.** This act shall take effect from and after its approval by the governor.

[Approved March 22, 1859.]

**AN ACT** to amend chapter nineteen of the Revised Statutes respecting the law of the road.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

Chapter nineteen, section eight of the Revised Statutes is hereby amended by striking out said section, and inserting instead thereof the following, viz:

**SECTION 8.** For a willful violation of the provisions of the preceding section a person forfeits not exceeding ten dollars, nor less than three dollars, to be recovered on complaint, one half to the use of the owners of the bridge, the other half to the state, provided, that a board legibly painted in black letters on white ground is kept exposed in some conspicuous place at each end of the bridge, giving notice that the provisions of this and the preceding section will be enforced against any person violating the same.

[Approved March 24, 1859.]

**AN ACT** to prevent abuses of the Statute, relating to the testimony of parties to suits at law.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

The eighty-third section of the eighty-second chapter of the Revised Statutes, is hereby amended by adding the following words, to it, viz:

If, however, such representative party is nominal only, the interest being in another or others, in whose name or names the action might have been brought or might be defended, the said five sections shall apply, and such nominal party and the adverse party may be examined as witnesses.

[Approved March 29, 1859.]

**AN ACT** to amend section eight, chapter seventy-eight of the Revised Statutes, relating to powers of County Commissioners in respect to county jails.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 8.** The eighth section of the seventy-eighth chapter of the Revised Statutes, is hereby amended by adding thereto the words following, "and said commissioners may authorize the employment, for the benefit of the county, of prisoners committed for crime, in some suitable manner not inconsistent with the discipline of the prison and the security of the prisoners," so that the whole of said section may read, as follows:

**SECTION 8.** When wanting, in each town where the supreme judicial court is held, they shall provide jails, and separate apartments in them for lodging prisoners for debt separate from criminals. At the commencement of each session required by law, they shall examine the prison, take necessary precaution for the security of prisoners, for the prevention of infection and sickness, and for their accommodation; and said commissioners may authorize the employment for the benefit of the county, of prisoners committed for crime, in some suitable manner not inconsistent with the discipline of the prison and the security of the prisoners.

**SECT. 2.** This act shall take effect when approved by the governor.

[Approved March 29, 1859.]

**AN ACT** to establish the compensation of the County Commissioners for the county of Cumberland.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Instead of the compensation now provided by law, the county commissioners of the county of Cumberland shall each receive a yearly salary of five hundred dollars, to be paid in quarterly payments out of the treasury of the county, from the first day of April next, and no other costs, compensation or emoluments of office whatever, shall be allowed or paid from the treasury of the county to said commissioners, except the salary aforesaid, which shall be in full for all travel, expenses, and services of all kinds.

**SECT. 2.** When the decision of said commissioners shall be against the prayer of any petition for laying out, altering or discontinuing any highway, town or private way, the costs recoverable against the petitioners shall be taxed according to the provisions of chapter eighteen of the Revised Statutes, in the same manner as before the passage of this act.

**SECT. 3.** It shall be the duty of said commissioners, at the end of each year, to make out a statement of the financial condition of the county, showing in detail, all moneys received into and paid out of the treasury, and such other facts and statistics, as may be necessary to exhibit the true state of the finances of the county; and they shall publish in pamphlet form, a reasonable number of copies of the same for distribution among the citizens of the county.

**SECT. 4.** This act shall take effect on the first day of April next.

[Approved March 29, 1859.]

**AN ACT** to establish the compensation of the Clerk of the Judicial Court for the county of Cumberland.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Instead of the compensation now provided by law, the clerk of the judicial courts for the county of Cumberland shall receive a yearly salary of fifteen hundred dollars, and shall be allowed yearly in addition thereto the sum of one thousand dollars for clerk hire, said sums to be paid him in quarterly payments out of the treasury of the county, from and after the first day of April next, said salary and clerk hire shall be in full for all services and duties required of him by law, including those performed by him as clerk of the county commissioners, or by any substitute appointed by them clerk pro tempore in accordance with the tenth section of the seventy-eighth chapter of the Revised Statutes, and no other compensation whatever shall be paid him out of the treasury of the county.

**SECT. 2.** Said clerk shall keep and render an account of all fees of office as now required by law, and shall be held responsible for the same whether actually received or not, and shall pay over the whole amount thereof for the use of the county, and in other respects, his duties shall be the same as prescribed by law.

**SECT. 3.** This act shall take effect on the first day of April next.

[Approved March 29, 1859.]

**AN ACT** concerning prisoners and debtors in the county of Somerset.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The sheriff of the county of Somerset, when the county commissioners of said county shall so order, shall remove all the prisoners and debtors in the jail in said county at the time of such order, to be detained in August in the county of Kennebec, there to be detained until by law removed or discharged, and all officers in said county of Somerset having authority to commit any prisoner or debtor, from and after such removal of prisoners and debtors to said jail in August for the term of one year, unless the commissioners shall before the expiration of said year order the return of such prisoners and debtors to the jail in Somerset, shall be authorized and required to commit such prisoner or debtor to the said jail in August, in the same manner and with as ample authority as if by law removed or discharged, and the keeper of said jail in August is hereby authorized and required to receive and detain in his custody all such prisoners and debtors; provided, however, that the county of Somerset shall be liable to the county of Kennebec for all expenses and damages, which shall accrue to the county of Kennebec from such removal and from any and all such commitments.

**SECT. 2.** At the expiration of one year from the removal of said prisoners and debtors to the said jail in August, or sooner if the county commissioners of Somerset shall so order, it shall be the duty of the sheriff of the county of Somerset to remove to the jail in said Somerset all persons confined in said jail at August by virtue of this act.

**SECT. 3.** This act shall take effect and be in force from and after its approval by the governor.

[Approved March 29, 1859.]

**AN ACT** respecting the compensation of Registers of Probate in certain cases.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Whenever any foreign will is proved in any county in this State, or administration granted on the estate of any person deceased who was not a resident in this State, or guardian appointed for any minor not resident in this State, the register of probate in the county where such proceedings are had, shall be entitled to a reasonable compensation to be fixed by the judge of probate for the county, for entering and filing all the orders and decrees of the court in such proceedings and making up the necessary records therein, to be paid for by such executor, administrator or guardian out of the estate which he represents, and to be allowed him in the settlement of his account.

**SECT. 2.** This act shall take effect when approved by the governor.

[Approved March 29, 1859.]

**AN ACT** additional to chapter seventy-eight of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Section twenty-one of chapter seventy-eight of the Revised Statutes, is amended so as to read as follows:

**SECTION 21.** The county commissioners have power to obtain loans of money for the use of their county, and to cause notes or obligations, with coupons for lawful interest to be issued for payment thereof at such times as they deem expedient; but such loans shall not exceed ten thousand dollars, without first obtaining the consent of the county, substantially as provided in sections sixteen and seventeen.

**SECT. 2.** This act shall take effect from and after its approval by the governor.

[Approved March 29, 1859.]

**AN ACT** additional to chapter twelve of the Revised Statutes, relating to churches.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** When it shall be deemed necessary or expedient by any organized parish for such parish to become the owner of the pews in any church or meeting-house used as a place of religious worship by such parish, a meeting of the owners and occupants of such pews may be called, as provided in section any of chapter twelve of the Revised Statutes, and a majority of such pew owners and occupants, at such meeting, may vote to convey by



deed of sale or gift, the pews by them owned or occupied to such parish.

**SECT. 2.** Any owner or occupant of a pew in such church or meeting-house, dissenting from the action of the majority at any such meeting, shall express his dissent in writing to the clerk of such parish within one month from the time of such meeting, and his pew shall thereupon be appraised, as provided in section twenty-five of said chapter twelve, and the appraised value thereof shall be tendered so such owner or occupant, who shall thereupon execute and deliver a deed of such pew to said parish, where no such written dissent is given, the pews of such owner or occupant shall be forfeited to the said parish.

**SECT. 3.** This act shall take effect from and after its approval by the governor.

[Approved March 29, 1859.]

**AN ACT concerning allowances to widows.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** When a will has been proved and allowed by a judge of probate, and an appeal from his decree has been claimed, and a special administrator has been appointed, or letters of testamentary have been granted to the executors named in such will, the judge of probate may, during the pendency of such appeal, order an allowance to the widow of the deceased as in other cases, and such administrator or executor, besides paying debts and charges of administration, shall also pay said allowance.

**SECT. 2.** This act shall take effect upon its approval by the governor.

[Approved March 31, 1859.]

**AN ACT to change the place of holding the January term of the Supreme Judicial Court in the county of York.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The term of the supreme judicial court which is now required to be held at Alfred, in and for the county of York, on the first Tuesday of January annually, shall hereafter be held at Saco in said county.

**SECT. 2.** This act shall be in force for the term of three years, after its approval by the governor, and no longer.

**SECT. 3.** The previous sections of this act shall be wholly void and of no effect unless the town of Saco aforesaid, shall on or before the twentieth day of November, eighteen hundred and fifty-nine, without expense to the said county of York, provide a suitable court room and other accommodations for the said court and officers, and also a safe and convenient place in said town of Saco or city of Biddeford in said county, wherein to secure persons charged with crimes or misdemeanors, during each session of the court to be held as aforesaid, to the acceptance of a majority of the board of county commissioners for said county of York, and shall execute and deliver to them a sufficient lease or other instrument to secure the use thereof to the said county for the purposes aforesaid, and during such time as said term shall be held at said Saco.

**SECT. 4.** The said commissioners shall cause a record of such instrument to be made by their clerk, and shall as soon thereafter as may be, cause a notice of the fact that such provision has been made, and of its acceptance by them, to be published in the regular issues of the Maine Democrat, and the Union and Journal, two newspapers published in said county of York, until the first Tuesday of January aforesaid, and the said town of Saco and city of Biddeford, or either of them, are hereby authorized to assess and raise a sufficient sum or sums for the purposes of providing said accommodations for the said courts and keeping of prisoners.

**SECT. 5.** This act shall take effect from and after its approval by the governor.

[Approved March 31, 1859.]

**AN ACT additional to chapter eighty-six of the Revised Statutes, relating to trustee process.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** No member of the Legislature of this State shall be adjudged trustee, by reason of any amount due nor board furnished while in attendance upon the sessions of the Legislature.

**SECT. 2.** This act shall take effect when approved by the governor.

[Approved March 31, 1859.]

**AN ACT relating to prisoners in the county of Sagadahoc.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The provisions of the eighth and ninth sections of the seventeenth chapter of the laws passed in the year of our Lord one thousand eight hundred and fifty-four, entitled "an act to establish the county of Sagadahoc," are hereby extended in their effect for the period of five years, from and after the time when this act shall take effect.

**SECT. 2.** This act shall take effect when approved by the governor.

[Approved March 31, 1859.]

**AN ACT to encourage Manufactures.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** All manufacturing establishments hereafter erected by individuals or by incorporated companies for the manufacture of fabrics, of cotton or wool, or of both cotton and wool, and all the machinery and capital used for operating the same, together with all such machinery hereafter put into buildings already erected, but not now occupied, and all the capital used for operating the same, are exempted from taxation for ten years after the passage of this act, provided towns and cities, in which such manufacturing establishments may be located, or in which it may be proposed to establish the same, shall in a legal manner give their assent to such exemption, and such as-

sent shall have the force of a contract, and be binding for the full time specified.

**SECT. 2.** This act takes effect when approved.

[Approved April 1, 1859.]

**AN ACT providing for the distribution of the annual school blanks and registers.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The secretary of state, on the first day of March in each year, shall forward to the superintending school committee of the several cities, towns and plantations, blanks for the annual school return, and registers for the school year commencing on the first day of April following.

**SECT. 2.** All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved April 2, 1859.]

**AN ACT to amend chapter forty-seven of the Revised Statutes, relating to banks and banking.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The twenty-first section of the forty-seventh chapter of the Revised Statutes, is hereby amended by striking out therefrom the following words: "but any special deposit of specie sent by it in the Bank bank, Boston, not exceeding three thousand dollars, and the amount of which is taken and kept by it, shall be deemed in its vaults for the purposes of this section."

**SECT. 2.** The fifth section of the same chapter is amended by striking out the following words, occurring after the word "unpaid" in the thirteenth line as printed, viz: "on the first Monday of each other month he shall make a similar return signed and sworn to by him, but not by the directors, and transmit it to the secretary of State within five days, stating the capital stock, bills in circulation, specie, deposits, loan, amount due from other banks, bills issued, and amount of unsigned bills on hand."

**SECT. 3.** The fifty-fourth section of the same chapter is amended, by striking out the word "twenty" in the second line as printed, and inserting the word "four."

**SECT. 4.** The act to amend sections fifty and fifty-four of chapter forty-seven of the Revised Statutes, relating to banks and banking approved March twenty-fifth, eighteen hundred and fifty-eight, is hereby repealed.

**SECT. 5.** This act shall take effect when approved by the governor.

[Approved April 2, 1859.]

**AN ACT in relation to Reviews.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** If a petitioner for review makes it appear that a witness testified falsely to material facts against him in the original trial, whereby he was taken by surprise, and unable at the trial to produce evidence of the falsehood, but has since discovered such evidence, which, together with any evidence before known, is, in the opinion of the court, sufficient proof that the testimony was false; or if such witness has been convicted of perjury in such testimony, in either case the petitioner shall be entitled to a review.

**SECT. 2.** A petition for review, for any cause above named, may be commenced within six months after the passage of this act, notwithstanding there may have been a former unsuccessful petition for review of the same action, and the officer serving such petition or writ of review may attach thereon the property of the respondent the same as on an original writ.

**SECT. 3.** An action prosecuted or defended by a party in interest who is not the party of record, may be reviewed on petition of the party in interest setting forth the fact of such interest, but the writ of review in such a case shall not issue until the petitioner has filed a bond with sufficient surety or sureties, approved by the presiding judge, to secure the party of record against any judgment recovered by the defendant in review.

**SECT. 4.** This act shall take effect on and after its approval by the governor.

[Approved April 2, 1859.]

**AN ACT relating to the auditing and settlement of accounts and claims against the State.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** All accounts against the State, including those of the State Prison, State Reform School, Insane Hospital and Land Department, shall be presented to and audited by the governor and council, and when so audited, the same shall be registered by the secretary of state in suitable books, to be kept by him for that purpose, wherein also shall be entered against said accounts, all payments made thereon; and also all claims against the State, when allowed, and before being paid, shall be presented to the secretary of state and registered in like manner.

**SECT. 2.** All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

**SECT. 3.** This act shall take effect and be in force when approved by the governor.

[Approved April 2, 1859.]

**AN ACT giving further remedy against Attorneys.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Any attorney at law who has heretofore collected or received, or shall hereafter collect or receive any money or other valuable thing on any claim left with him for settlement or collection, and shall neglect or refuse to account with and pay over the same to any person legally entitled thereto, for ten days after being requested so to do, after this act shall take effect, shall be deemed guilty of a breach of duty as an attorney at law, and shall be liable to the summary process hereinafter provided.

**SECT. 2.** Any person legally entitled to such money or other valuable thing, on filing a motion in writing, under oath, setting forth the facts, at any term of the supreme judicial court in the county where such attorney resides,

shall be entitled to a rule requiring such attorney on a day fixed therein, to appear before said court and show cause why he should not account with and pay over to the claimant, such money or other valuable thing, and to abide the order of the court in the premises. And the rule shall be served on said attorney, by giving him a copy in hand, at least five days before the return day.

**SECT. 3.** On the return day of the rule, such attorney shall file an answer to said motion under oath, and the court may examine either party touching the subject matter thereof, and hear any evidence pertinent therein, and render such decree in the premises as equity may require. If such attorney fails to appear and make answer to said motion, the facts set forth therein shall be taken as confessed by him, and the court shall render such decree therein as equity shall require.

**SECT. 4.** Either party may file exceptions to any ruling or decree of the court, and the same shall be allowed by the presiding judge, unless deemed frivolous, and the proceeding therein, in the law court, shall be the same as in other actions.

**SECT. 5.** If such attorney shall neglect or refuse to perform the decrees of the court in the premises, he shall be committed for contempt of court till he shall perform such decree, or be otherwise discharged according to law, and the court shall order his name to be stricken from the roll of attorneys and counselors at law in said court; provided, however, that in all complaints for money or other valuable thing collected or received by any attorney as such, prior to the passage of this act, and unpaid to the claimant, if the court shall be satisfied upon evidence adduced, that such attorney is actually poor and has no property, directly or indirectly, or interest therein, attempt from attachment and levy on execution, the court may dismiss the complaint with costs to either party, as justice may require.

**SECT. 6.** The remedy herein provided, shall not bar the creditor of his right at common law against such delinquent attorney either before the commencement of the summary process, or after the adverse decision thereon. In case judgment is recorded against an attorney under either process for money or other valuable thing, hitherto or hereafter collected or received by him as such, the facts shall be noted on the margin of the execution issued on said judgment, and the debtor when arrested on said execution, shall not be entitled to give any bond for his liberation; and if he applies to take the oath described in section twenty-eight, chapter one hundred and thirteen of the Revised Statutes, no notice shall be issued to the creditor, till at least ninety days after his commitment.

[Approved April 2, 1859.]

**AN ACT to increase the salary of the County Attorney for the county of Piscataquis.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The salary of the county attorney for the county of Piscataquis, from and after the first day of January, eighteen hundred and fifty-nine, is hereby established at the sum of two hundred dollars, instead of the sum now allowed by law.

**SECT. 2.** This act shall take effect from and after its approval by the governor.

[Approved April 2, 1859.]

**AN ACT to define the liability of Mill owners.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The owner of any mill used for the purpose of manufacturing lumber is hereby made liable for the act of his tenant in the unlawful obstruction or diversion of the water of any river or stream caused by the slabs or other mill waste from his mill; but nothing herein contained shall be construed to deprive a party of his right of action against the tenant in preference to the mill owner, or to create any restriction upon the present rights of operators of mills to drain their waste matter from their mills upon any river or stream.

**SECT. 2.** A mortgagee of any such mill in possession shall be deemed the owner for the purposes of this act.

**SECT. 3.** If a tenant of such a mill shall, by his act in the management of the same, cause any unlawful obstruction or diversion of such water, his lease or other tenancy in the premises shall be therefor terminated at the election of the owner, upon notice given in writing.

**SECT. 4.** No suit shall be maintained unless demand shall have been made of payment of damages at least thirty days before the commencement of the action.

[Approved April 2, 1859.]

**AN ACT additional to chapter eighty-one of the Revised Statutes.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Section ninety-five of chapter eighty-one of the Revised Statutes, is amended so as to read as follows:

**SECTION 95.** No scire facias shall be served on bail unless within one year next after judgment rendered against the principal, nor on sureties in recognizance in criminal cases unless within one year next after the default of the principal.

**SECT. 2.** This act shall not bar any scire facias already commenced.

[Approved April 2, 1859.]

**AN ACT additional to chapter forty-seven of the Revised Statutes, relating to banks and banking.**

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** Whenever any bank shall surrender by charter, or shall cease to perform the business of a bank, and discount, or shall pass into the hands of receivers, it shall be the duty of the officers of said bank to deliver the plates, dies and assigned bills of the bank, to the secretary of state, who shall personally in the presence of the treasurer of the state, destroy the same within thirty days after



he receives them, and shall also make a record of his doings therein, and it shall be the duty of the receivers of any bank, as soon as they are appointed to see that the foregoing requirements are carried into effect.

SECT. 2. If any officer of such bank refuses or neglects to comply with the requirements of this act, he shall forfeit for each offence a sum not exceeding one thousand dollars to the use of the State, to be recovered by the treasurer thereof.

SECT. 3. The provisions of this act shall apply to all banks and their officers that are now in the process of closing their business, or that may be in the hands of receivers at the time of its passage.

SECT. 4. Any bank in this State when duly authorized by a vote of its stockholders, may subscribe to the capital stock of the Bank of Mutual Redemption located in the city of Boston, to an amount not exceeding five per cent of its capital stock nor the sum of ten thousand dollars.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.  
[Approved April 2, 1859.]

#### AN ACT relating to drainage.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. Any person, persons or corporation having the ownership or possession of any lands, swamps, meadows, quarries, or mines, that by reason of adjacent lands belonging to another person, persons, corporation or highway, cannot be approached, drained or used in the ordinary manner without crossing said land or highways, may be authorized to establish drains or ditches to said places in the manner hereinafter provided.

SECT. 2. The party desirous of making such improvements shall file a petition therefor with the county commissioners for the county where the premises are situated, setting forth in detail the proposed work and the situation of the adjoining land and the names of the parties interested, if known to the petitioner, accompanied by a bond satisfactory to the commissioners and payable to the county treasurer, conditioned to pay all costs and damages.

SECT. 3. The county commissioners of the county, on the filing of said petition and bond, shall order notice to be given to all the parties named in said petition, by serving on them an attested copy of the petition with the order thereon, fourteen days at least before the next regular session of said court, and also by publishing an attested copy of the said petition in some newspaper of general circulation, published in said county, or if no newspaper is published in said county, then in some newspaper published in some adjoining county, and after said order has been fully complied with, the commissioners may, if they see cause, appoint a committee of review, and fix the compensation per day, to be composed of not less than three, nor more than five judicious, disinterested persons to meet on the premises on the day named, and by examination and inspection determine whether the proposed improvement is necessary to the ordinary working, occupation, and beneficial use of said lands, swamps, meadows, quarries or mines, and if so, said committee shall proceed to lay out and establish the same, and in such a manner as to do as little injury as practicable, and shall furthermore fix and assess the amount of damages which any proprietor of adjacent lands will be likely to sustain, and report and return the same with all their proceedings to the county commissioners; but before said committee shall proceed to said examination they shall give ten days notice, setting forth the hour and place of their meeting, by posting up notifications in two public places, in the town or towns in which said lands lie.

SECT. 4. At the next meeting of the county commissioners after the return of the committee is received, said commissioners shall proceed to consider the subject, and if they shall be of opinion, taking into view the public as well as the private interests, that said improvements will be advantageous and desirable, they shall accept said report.

SECT. 5. The party praying for said improvements shall cause the final report and adjudication to be recorded in the registry of deeds for the county, and shall pay or tender in payment the full amount of damages to the parties to whom the same is adjudged.

SECT. 6. Whenever it may become necessary to repair such works, any one of the parties benefited may enter and cause said repair to be made, and all works constructed under this act shall be entitled to the benefit of all laws for the protection of railroads in the State.

SECT. 7. The parties interested in making such work may enter and take such property or material as may be necessary to make them, provided they pay to the proprietor of such land as taken or used, such price as may be agreed upon or as said committee may report; and provided said parties do not agree and if said parties owning said land or property taken, shall not receive the damage awarded by said committee, then the party taking said land or material shall pay such sum as may be determined by a jury, and the same proceedings shall be had for the purpose of ascertaining such damages as are now provided in estimating damages by a jury in case of laying out public highways.

[Approved April 2, 1859.]

#### AN ACT in relation to the competency of witnesses.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. In the trial of civil actions the husband and wife of either party shall be deemed competent witnesses, when the wife is called as testify by or with the consent of her husband, and the husband by or with the consent of his wife.

SECT. 2. This act shall take effect when approved by the governor.  
[Approved April 2, 1859.]

AN ACT to amend the thirty-sixth section of chapter eighteen of the Revised Statutes, relating to ways.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

The thirty-sixth section of chapter eighteen of the Revised Statutes, is amended so as to read as follows:

SECTION 36. If such judgment is wholly against the prayer of the original petition, the commissioners shall proceed no further thereon, and no petition praying for substantially the same matter shall be entertained by them for two years thereafter, but if the judgment is otherwise they shall carry it into effect as it made by them; and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs to the prevailing party to be paid out of the county treasury. The compensation of the committee is to be the same as commissioners would have for like services, to be allowed by the court. The costs are to be collected as provided in section three.

[Approved April 4, 1859.]

#### AN ACT relating to witnesses and evidence.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

No person shall in a criminal prosecution or proceeding at law, be liable, nuisance, simple assault and battery, or for the violation of any municipal or police ordinance, of being himself as a witness, shall be excluded from testifying, and all laws inconsistent herewith are repealed.

[Approved April 4, 1859.]

#### AN ACT in relation to elections in cities.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

No qualified elector who has removed his residence from one ward to another in any city, within the thirty days next preceding any election, shall vote at such election in the ward to which he has removed, but his name may be placed on the check list of the ward from which he has removed, as aforesaid, and he may vote therein.

[Approved April 4, 1859.]

AN ACT to amend chapter four of the Revised Statutes, in relation to elections and plantations organized for election purposes.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. The organization of all plantations composed of more than one township, according to the plan of townships on the map of the State, is hereby repealed, and no plantation shall be organized hereafter for election purposes which shall be composed of more than one township.

SECT. 2. All plantations organized hereafter for election purposes must be organized at least sixty days prior to the second Monday in September, and a full copy of the proceedings of the inhabitants of said plantations in making such organization shall be transmitted immediately to the secretary of state to be by him recorded.

SECT. 3. Section forty-seven of chapter four of the Revised Statutes, is hereby repealed.

[Approved April 4, 1859.]

AN ACT to suspend the powers and duties of the Inspectors of the State Prison.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. The provisions of chapter one hundred and forty of the Revised Statutes, creating the office and defining the powers and duties of inspectors of the state prison, are hereby suspended until the first Wednesday of January, one thousand eight hundred and sixty.

SECT. 2. This act shall take effect when approved by the governor.

[Approved April 4, 1859.]

AN ACT to change the time of holding the April term of the Supreme Judicial Court for the county of York.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

From and after the year eighteen hundred and fifty-nine, the Supreme Judicial Court shall be holden on the fourth Tuesday of May, annually, at Alfred, within and for the county of York, instead of on the first Tuesday of April, as is now provided by law.

[Approved April 4, 1859.]

#### AN ACT to regulate the fisheries on the Kennebec River.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. The governor with advice of the council, shall appoint three suitable persons, one residing in each of the counties of Sagadahoc, Kennebec, and Somerset, designating a chairman, to be fish wardens, who shall be duly sworn, hold their offices three years, unless sooner removed, meet annually at Augusta, on the first Monday in April, with power to adjourn to such time and place as they think proper, and have a general supervision over the fisheries of salmon, shad, and alewives in the waters of the Kennebec river and tributary streams.

SECT. 2. The said fish wardens shall have all the rights, powers, and duties, prescribed in the twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth and thirty-seventh sections of chapter forty of the Revised Statutes.

[Approved April 4, 1859.]

AN ACT additional to chapter seventy-one of the Revised Statutes, relating to Reporter of the Judicial Decisions.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. Upon the decease of the reporter of the judicial decisions, it shall be the duty of his successor to prepare and publish the cases argued during the deceased reporter's continuance in office and left unpublished, and he shall be under the same obligation to furnish copies of the reports to the State as his predecessor, and shall be entitled to the profits of the work, allowing and having in the legal representatives of the deceased reporter, such equitable consideration for his interests therein as shall be determined by the governor and council.

SECT. 2. This act shall take effect when approved by the governor.

[Approved April 4, 1859.]

AN ACT to amend chapter forty-nine of the Revised Statutes.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. The fifth section of chapter forty-nine of the Revised Statutes, is amended, so as to read, as follows:

"Section 5. Four directors constitute a quorum for doing business."

SECT. 2. This act shall take effect from and after its approval by the governor.

[Approved April 4, 1859.]

AN ACT additional to chapter seventy of the Revised Statutes, concerning assignments.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. Section seven of chapter seventy of the Revised Statutes, is amended so as to read as follows:

SECT. 1. No property assigned for the benefit of creditors, shall be liable to attach herein required, nor shall the assignee during that time be liable to the trustee process on account thereof, but after the lapse of eighteen months from the assignment, or two years, to which the probate court for satisfactory reasons may extend the time, any creditor not a party to the assignment may trustee the assignee for any excess of such estate then remaining in his hands after the payment of the debts of the parties thereto and lawful expenses, and if such suit is instituted before the expiration of said terms, it may be continued till after their expiration, on such terms as the court may direct.

SECT. 2. All property of every kind conveyed or transferred by the assignor, previous to making the assignment in contemplation thereof, and with the design to give a preference to a pre-existing creditor shall be void, but the assignment shall not be defeated or rendered void thereby, and all such property, as well as all property of every kind, conveyed and transferred by the assignor previous to the assignment with the design to defeat, delay, or defraud creditors, shall pass to the assignee by virtue of the assignment, and shall be held by him as property or assets for the benefit of creditors, and the assignee shall be clothed with all necessary powers to recover, receive, and collect the same and render the same available for the purposes of the trust created by the assignment.

SECT. 3. If any assignee dies, resigns, becomes insane, or otherwise unqualified to perform the trust, refuses or neglects so to do, or mismanages the trust property, the judge of probate for the county, after due notice, shall appoint another in his place, who shall have the same powers and be subject to the same liabilities as the original assignee.

SECT. 4. A purchaser of any chose in action, sold by an assignee at public or private sale, may sue thereon in his own name, subject to all legal and equitable defenses.

SECT. 5. If the assignment is made by indenture in two or more parts, creditors in order to become parties, are required to execute the part held by the assignee.

SECT. 6. This act shall take effect when approved by the governor.

[Approved April 4, 1859.]

AN ACT to amend chapter sixty-four of the Revised Statutes, concerning embezzlement of property of deceased persons.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:

SECTION 1. Section fifty-five of chapter sixty-four of the Revised Statutes, is amended so as to read as follows:

SECTION 55. Upon complaint made to the judge of probate by an executor, administrator, heir, legatee, creditor or other person interested in the estate of a person deceased against any one suspected of having concealed, embezzled, or conveyed away any of the money, goods or effects of the deceased, or of aiding others in so doing, he may cite such suspected person to appear before him to be examined on oath in relation thereto, and may require him to produce for the inspection of the court and parties, all books, papers or other documents within his control, relating to the matter under examination.

SECT. 2. Section fifty-seven of said chapter, is amended so as to read as follows:

SECTION 57. If any person duly cited as aforesaid, refuses to appear and submit himself to such examination, or to answer all lawful interrogatories, or to produce such books, papers, or documents, the judge shall commit him to the jail of the county, there to remain until he submits to the order of the court, or is discharged by the complainant, or the supreme judicial court; and he shall also be liable to any injured party in an action on the case, for all the damages, expenses, and charges arising from such refusal.

SECT. 3. The purchaser of any personal effects, or rights of action, sold by an executor or administrator, may sue thereon in his own name, subject to the same defence as in the name of the executor or administrator.

SECT. 4. This act shall take effect from and after its approval by the governor.

[Approved April 4, 1859.]



AN ACT relating to attachment of mortgaged personal property.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. Whenever personal property hereafter attached or seized by an officer on a writ or execution, shall be claimed by any person by virtue of a mortgage, such claimant shall give to the officer, in writing, a notice of his claim and a statement of the amount actually and justly due to him on the mortgage, at least forty-eight hours before he shall commence any action against the officer therefor, and the officer or the creditor may within that time discharge the mortgage, by payment or tender of the amount due thereon, or may restore the property to the debtor or mortgagee.

SECT. 2. If any person, claiming personal property by virtue of a mortgage, shall omit for the space of ten days after notice of such attachment given to him by the officer, to deliver to him a statement of the amount due on the mortgage as aforesaid, he shall be deemed to have waived his right to hold the property by virtue of such mortgage.

SECT. 3. If any such claimant shall make to the attaching officer a false statement of the amount actually and justly due on the mortgage, as mentioned in the preceding sections, he shall forfeit and pay to the creditor in the writ or execution double the amount of the excess, to be recovered in a special action on the case.

SECT. 4. In case of a redemption of a mortgage of personal property in behalf of a creditor attaching such property or seizing the same on execution, and a subsequent sale of the property under attachment or seizure upon execution, the officer selling the same shall first appropriate to the redeeming creditor from the proceeds of sales, the amount paid in redemption of the mortgage, with interest, if there be so much, and the residue, if any there be, shall be appropriated as in other cases of sales of goods attached or seized on execution.

SECT. 5. The provisions of this act shall apply to all matters named in the sixty-fourth section of the eighty-first chapter of the Revised Statutes.

[Approved April 4, 1859.]

AN ACT authorizing Judges of Probate to appoint Commissioners in certain cases.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. When one or more claims against the estate of a person deceased or under a guardianship, though not insolvent, are deemed by the executor, administrator, or guardian, to be exorbitant, unjust, or illegal, on application in writing to the judge of probate, and after notice to the claimants, the judge, if upon a hearing, he is satisfied that the facts set forth in said application are true, may appoint two or more commissioners, who shall, after being duly sworn, and notifying the parties as directed in their commission, meet at convenient time and place, and determine whether any and what amount shall be allowed on each claim, and report to the judge at such time as he may limit. Sections five, six, seven, eight, eleven, twelve, thirteen, fourteen, and fifteen of chapter sixty-six of the Revised Statutes, shall apply to such claims, and the proceedings thereon. No action shall be maintained on any claim committed to commissioners as herein provided, unless proved before said commissioners; and their report on all such claims shall be final, saving the right of appeal.

[Approved April 4, 1859.]

AN ACT relating to the Reform School.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. Section one, of an act additional to chapter one hundred and forty-two of the Revised Statutes, relating to the Reform School, approved March twenty-seven, eighteen hundred and fifty-eight, is hereby amended by striking out in the first line of the first section the word "eleven" and inserting the word "ten."

SECT. 2. Section two of said act is hereby amended by striking out in the first line of said second section the word "eleven" and inserting the word "ten."

SECT. 3. Section four of said act is hereby amended by adding thereto the following words, "and when any written notice provided for in this section shall be duly made out, superscribed and directed to the said Aldermen or Sectionmen, deposited in the post office in Portland, and the postage prepaid, it shall be a sufficient notice."

SECT. 4. Section five of said act is hereby amended, by striking out the first sentence, and inserting the words, "At any time after three months from the time of the giving the notice required by sect on four, the superintendent may in his own name, for the use of the State, sue for and recover of such city or town, the expenses incurred for the clothing and subsistence of such boy, not exceeding one dollar per week, up to the time of his commencing any suit therefor."

SECT. 5. Sections six, seven and eight of said act are hereby repealed.

SECT. 6. No action brought by the superintendent in his official capacity, shall abate by his ceasing to be in office, but his successor, upon notice, may assume its prosecution in his own name as plaintiff. All actions founded on any contract, of any kind, whether in writing or under seal or not, heretofore made, or that hereafter may be made, with any superintendent in his official capacity, may be brought by the person being superintendent at the time of the commencement of the suit, and in his name as plaintiff. All actions for injuries done or occasioned to the real or personal property of the State, appropriated to the use of the Reform School, and under the care of the superintendent, in his official capacity, may be prosecuted in the name of the person who is superintendent at the commencement of such action.

The superintendent may, with the consent of the trustees, submit any controversy, demand or suit, to the determination of one or more arbitrators or referees.

When a new superintendent is appointed, and accepts the office, all the books, accounts, and papers belonging to

the Reform School, shall be delivered to him, and he shall be vested with all the powers, and subject to all the obligations with regard to any contracts that his predecessor would have been vested with, or subject to if no change had taken place in the office.

SECT. 7. This act shall take effect when approved by the governor.

[Approved April 4, 1859.]

AN ACT to regulate the compensation of members of the Senate and House of Representatives.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. Each member of the senate and house of representatives shall be paid a salary of one hundred and fifty dollars, for the regular annual session of the legislature, to which he shall have been elected, and two dollars for every ten miles travel from his place of abode, once in each session. He shall be entitled to be paid his mileage on the first day of each session, and fifty dollars of said salary on the first day of each month thereafter during the session, and at the end thereof the balance of said salary, if any part of the same remains unpaid. But in case any member shall be absent from his duties, without being excused therefor by the house to which he belongs, there shall be deducted from his said salary two dollars for each and every day he shall be so absent. The president of the senate and speaker of the house of representatives shall be paid a salary of three hundred dollars for each regular session of the legislature, with the same mileage as other members, and subject to the same deduction in case of absence as aforesaid. Any member acting as president pro tem of the senate or speaker pro tem of the house shall receive two dollars per day extra therefor. Pay rolls shall be made, and payment made by the treasurer of state according to these provisions.

SECT. 2. The sixth section of the one hundred and fifty-fifth chapter of the Revised Statutes, is hereby repealed so far as the same relates to compensation of members of the senate and house of representatives, but no further.

SECT. 3. In case an extra session is called by the governor in accordance with the provisions of the constitution, the members of the senate and house of representatives shall be paid according to the present provisions of the Revised Statutes.

[Approved April 4, 1859.]

AN ACT to amend chapter one hundred and thirteen of the Revised Statutes, relating to the relief of poor debtors.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. The twenty-first section of chapter one hundred and thirteen of the Revised Statutes, is hereby amended by striking out all after the word "stated" in the fifth line in the printed copy.

SECT. 2. The fifth section of the same chapter is also amended so as to read, as follows: Section 5. If the debtor makes a full disclosure at the appointed time and place to the satisfaction of said justices of the actual state of his affairs and all his property, rights, and credits, answers all proper interrogatories in regard to the same, and if the justices are satisfied that the disclosure is true, and do not discover anything therein inconsistent with his taking the oath prescribed in the twenty-eighth section of this chapter, they may administer such oath to him and certify the fact upon the writ, and the debtor shall thereupon be discharged from arrest by the person having him in custody.

SECT. 3. The seventh section is also amended so as to read, as follows, to wit: Section 7. If the debtor is discharged from arrest, no execution issuing on the judgment in the suit or process, shall run against his body, but against his property only.

[Approved April 4, 1859.]

AN ACT to aid the Aroostook Railroad Company, in crease the value and promote the sale and settlement of the public lands.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

SECTION 1. And the public lands shall hereafter be managed and sold under the direction of the governor, council, State treasurer and the land agent, for the time being, and they are hereby constituted a board for that purpose, and the governor, State treasurer, and the land agent, in the absence of the council shall constitute a quorum for the transaction of the business hereby conferred to them. Said board shall, from time to time, cause all lands suitable for settlement, to be surveyed into lots of one hundred and sixty acres each, and cause the character of each lot to be noted on the plan or plans of such survey, to be returned in the land office. And the board shall cause a minimum price to be noted on each lot. The land agent may thereupon, under their direction, sell and convey such lots or parts of lots, at that price, or at a higher price, not however exceeding in any case one dollar an acre to an actual settler, not more than one hundred and sixty acres be sold and conveyed to any one person. And every purchaser beside the payment of one dollar per acre shall be required within two years from the date of his purchase to establish his residence on his lot, and within four years from such date to clear on each lot not less than fifteen acres, ten of which shall be laid down to grass, and to build a comfortable dwelling-house on it, and if the purchaser fails to perform any of the foregoing duties required of him, he forfeits all right to the land, and it may be sold to another person.

Timber lands may be sold for a price exceeding one dollar per acre at private sale or at auction, under such regulations as the above named board may prescribe, after giving six months notice thereof. Any person may purchase a lot paying the full price thereof at the time of the performance of the duties which conveyance shall require the execution of the deed, which conveyance shall require the performance of settling duties by the purchaser or his grantee in actual occupation thereof; and all conveyances made by such purchaser or those claiming under him shall

be valid, in case of an actual occupation of the same by the party holding the title and performing the settling duties set forth in said deed. In all other cases, upon every such sale of a settling lot, one fourth part of the consideration shall be paid in two years from the date of his deed, and the remainder in equal payments, in one, two and three years after the first payment, and all with interest from the date of the deed. Nothing, however, expressed in this act shall have the effect to preclude the land agent from selling and conveying lots to such persons as have applied for them, and have designated the lots in their respective applications, under the law, as it existed at the time when their several applications may have been made. The board, hereby constituted, shall make return of their doings to each regular session of the legislature.

SECT. 2. Lands set apart and designated, under the direction of the land agent, for schools, and such as have been designated as soldiers' lands, all lands which the land agent is authorized to convey to literary institutions, and four townships of said land, situated, one in Oxford county, one in Franklin county, one in Somerset county, and one in Piscataquis county, to be selected under the direction of the board named in the first section of this act; the proceeds of sales of which are to be expended in the several counties in which they are situated, for roads, and lands which may be selected by persons in exchange for other lands, under the authority of the State, and lands heretofore conveyed by the State, by conditional deed, on which the State may heretofore receive the purchase money, are hereby affected by the provisions of this act. But the proceeds of the sales of the other public lands, including those which may be received or obtained by way of exchange, or so much thereof as may be necessary, are hereby appropriated and set apart for the following purposes, namely: a sum, not exceeding ten thousand dollars, is to be reserved and expended in completing the Fish River State road, extending from the Aroostook river to Fort Kent, but not more than two thousand dollars of this appropriation is to be expended in any one year. And a sum, not exceeding twelve hundred dollars, of which not more than five hundred dollars is to be expended in any one year, is to be reserved and appropriated for completing the Violet Brook State road. Said expenditures to be made from time to time, as the legislature may direct. All the residue of the proceeds of said sales are hereby granted and appropriated, under the conditions and limitations hereinafter expressed, to aid the Aroostook Railroad Company, incorporated by an act approved March twenty-seventh, in the year of our Lord, eighteen hundred and fifty-eight, in constructing their railroad, extending from a point at or near Mattawamkeag village, or from any point between Milford and Mattawamkeag, in an easterly direction to the easterly boundary of the State, where it may be most convenient for a connection with a railroad from the city of St. John, in the province of New Brunswick to the said boundary. Also to aid in constructing a branch railroad to Houlton, or a distance of twenty-five miles from any point in their railroad, in the direction of the State lands, in the county of Aroostook, the point of departure to be determined by said company with the approval of the board, named in the first section of this act. And said railroad, from Milford to Mattawamkeag and to the boundary, and said branch shall be considered to be the railroad authorized by the act of incorporation of said company.

SECT. 3. The grant made by the State to the Aroostook Railroad Company, of the proceeds of the sales of the public lands, as provided in this act to aid said company in constructing and completing that part of their railroad extending from a point at or near Mattawamkeag village, or from any point between Mattawamkeag and Milford, and extending in an easterly direction to the easterly boundary of the State, and the branch railroad extending as described in the preceding section, is made in consideration of, and on the express condition, that said Aroostook Railroad Company shall have commenced constructing that part of their railroad extending from Milford to Mattawamkeag, on or before the first of September, eighteen hundred and sixty, and shall have completed the same in all its parts, with the necessary furniture and equipments, and put it in running order, within three years after said date. And on the further condition that the part of their railroad extending from the Milford and Mattawamkeag section of it to the eastern boundary of the State, and the branch towards the State lands shall be commenced as soon after the completion of that section of their railroad, extending from Milford to Mattawamkeag, as there is a sufficient sum of money in the treasury received from the proceeds of the sales of lands appropriated for this purpose to warrant such commencement, and when said company shall have completed ten miles of it, the board, named in the first section of this act shall then determine what is in their judgment a fair proportion of the whole appropriation for ten miles, and said company shall be then entitled to that amount, and the governor is hereby authorized to draw his warrant for the same, in favor of said company, if there be so much of the funds hereby appropriated in the treasury, and if not, for so much of it as there may be on hand, and the balance as soon as it shall be received, as heretofore provided by the treasurer. And when an additional ten miles of said road shall have been constructed, the amount to be paid to said company shall be ascertained in like manner, and payment made from the treasury as aforesaid. And like proceedings shall be had as each succeeding ten miles shall have been completed until said roads are completed and the whole appropriation expended.

SECT. 4. All expenditures by the land office relative to and on account of the lands, the proceeds of the sales of which are appropriated by this act, including salaries of officers, are to be paid annually out of the proceeds of the sales of said lands.

SECT. 5. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 6. No appropriation of the proceeds of the public lands shall be made to aid in building a railroad from Milford to a point at or near Mattawamkeag Point.



**SECT. 7.** It is hereby declared to be the true intent and purpose of this act to sell the public lands herein designated in the most judicious method that can be devised, to obtain for them their full value, to promote the settlement of such as are suitable therefor, and, after deducting expenses and other sums heretofore named, to grant the balance of the proceeds of sales to the use of said company upon the conditions heretofore specified; and to these ends and no other, the legislature reserves the power to change the provisions of this act relating to the mode of disposition and sales of the public lands, where it may be necessary to correct abuses, or otherwise to promote the declared intent and purpose of this act.

**SECT. 8.** The aldermen of cities, selectmen of towns, and assessors of plantations, shall on or before the first Monday in June, in the year of our Lord eighteen hundred and fifty-nine, issue their warrants notifying the inhabitants of their respective cities, towns and plantations, qualified to vote for the choice of State officers, to assemble in ward, town and plantation meeting, on the second Monday of June, in the year of Lord eighteen hundred and fifty-nine, to give in their votes in relation to the foregoing act.

**SECT. 9.** At such meetings, said qualified voters shall give in their ballots as follows: those in favor of said act shall give in their ballots with the words "for the act" written or printed thereon, and the opposite of said act shall give in their ballots with the words "against the act" written or printed thereon; said ballots shall be received, sorted, counted, and lists thereof made out and returned to the office of the secretary of State by the clerks of said cities, towns and plantations in the same manner as votes for senators, on or before the twelfth day of July, in the year of Lord eighteen hundred and fifty-nine, and the governor and council shall immediately thereafter sort and count the same, and forthwith cause the state of the vote to be published by the printer of the State, and the governor shall issue his proclamation declaring the majority vote so returned.

**SECT. 10.** The proceedings at the special election ordered by this act shall be in accordance with the provisions of chapter four of the Revised Statutes, so far as applicable thereto.

**SECT. 11.** If it shall appear by the proclamation and return of the votes aforesaid, that upon a majority of the ballots so returned, the words "for the act" are written or printed, then this act shall take effect and be in force from and after the first day of August next, but if it shall appear by said proclamation and return, that upon a majority of the ballots so returned, the words "against the act" are written or printed, then this act shall be inoperative and void.

[Approved April 4, 1859.]

**AN ACT** to amend section first of chapter seventy-four of the Revised Statutes, relating to the attestation of wills.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

**SECTION 1.** The first section of the seventy-fourth chapter of the Revised Statutes, is hereby amended, by striking out the word "disinterested," and adding thereto the words "not beneficially interested under the provisions of the will" so that the whole of said section shall read as follows:

**Section 1.** A person of sound mind and of the age of twenty-one years, may dispose of his real and personal estate by will, in writing signed by him, or by some person for him at his request, and in his presence, and subscribed in his presence by three credible attesting witnesses, not beneficially interested under the provisions of the will.

**SECT. 2.** This act shall take effect when approved by the governor, but shall not effect any suit, or process now pending.

[Approved April 4, 1859.]

**AN ACT** to amend chapter seventy-nine of the Revised Statutes, relating to the admission of Attorneys at law to practice.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The twenty-first section of chapter seventy-nine of the Revised Statutes, is hereby amended so as to read as follows: "Any citizen of this State of good moral character, and possessing the requisite legal qualifications, on application to the supreme judicial court, shall be admitted to practice as an attorney in the judicial courts of this State, and said court shall appoint annually, in each county, an examining committee of three or more persons, learned in the law, whose duty it shall be to examine thoroughly, touching his qualifications as a lawyer, any applicant to be admitted thus to practice, and if said committee or a majority thereof shall be satisfied that the applicant possesses the requisite legal qualifications and sustains a good moral character, they shall give him a certificate to that effect."

**SECT. 2.** That part of the twenty-second section of said chapter, preceding the oath therein set forth, is hereby amended, so as to read as follows: "No person shall be admitted thus to practice until he submits to such examination, and produces to the court such certificate from said examining committee, and pays the duty required by law, and in open court takes and subscribes the oath to support the constitution of United States, and takes the following oath, viz: which oath shall be the same now set forth in said twenty-second section."

**SECT. 3.** The twenty-third section of said chapter shall be amended by striking out the words, "or by any citizen of good moral character who produces in court a letter of attorney for that purpose."

[Approved April 4, 1859.]

**AN ACT** in relation to the State valuation.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

**SECTION 1.** The assessors of every city, town and plantation, for the current year, shall at the time provided by law for that purpose, make a true and accurate list of all the male polls of twenty-one years of age and upwards, resident in or belonging to said city, town or plantation, whether such persons are at home or abroad, distinguishing such as are exempt from taxation; and shall also make true and accurate lists of all ratable estates, both real and personal, (not exempt by law from paying State taxes,) lying or being within their several cities, towns or plantations, and all such estates or property of whatever kind, wherever situated or located, which is subject to be taxed in said cities, towns or plantations, and said assessors shall affix to said estates and property of whatever kind, enumerated and set forth in said lists, the full, fair cash value thereof.

**SECT. 2.** The assessors of every city, town and plantation, shall submit to the full and free examination of the commissioners on State valuation, provided for by resolves of this Legislature, at the time and place designated by said commissioners, all said lists of polls and valuation for this year, or such full and accurate abstracts thereof, as said commissioners shall require and direct; and shall also produce or cause to be produced before said commissioners, for their examination, at the time and place designated as aforesaid, the full original poll lists and valuation lists of their several cities, towns and plantations, for the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine.

**SECT. 3.** And the assessors of the several cities, towns and plantations, for the year eighteen hundred and fifty-nine, shall make out their valuation and tax lists of all taxable property in their several localities, at the full value thereof, as aforesaid, and before said lists thus prepared shall be transmitted to the commissioners aforesaid, the said assessors shall make oath or affirmation to the facts as to the manner in which said tax and valuation lists were made up, and shall subscribe a certificate of said oath, upon said lists, duly attested, and if any assessors shall refuse or neglect to comply with the requirements of this act, he shall for each offence forfeit and pay a fine of not less than fifty nor more than two hundred dollars.

**SECT. 4.** This act shall take effect from and after its approval by the governor.

[Approved April 4, 1859.]

**AN ACT** prescribing the time when notice shall be given upon petitions for special legislation.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

**SECTION 1.** Petitions or propositions for any act of incorporation, or for the repeal, alteration, amendment, or change of, or act additional to any act of incorporation, shall be published three weeks successively in some paper printed in the county where such corporation is proposed to be, or if existing, is located, in the month of December next preceding the session of the legislature to which the same is directed; and if no paper is published in such county, or if such corporation extends, or is to extend its operations into several counties, then such petition shall be also published as aforesaid, in the paper published by the printer to the State; and this section shall also apply to persons making application to be set off from one town to another, and to the division of towns and counties; and all petitions for private legislation shall be served upon the persons directly interested therein adversely to the petitioners, by giving such person in hand or leaving at their last and usual place of abode, a true and attested copy of such petition, on or before the twentieth day of December aforesaid, and the same shall be served as aforesaid by any officer authorized to serve writs in civil actions. The affidavit of the printer on the back of such petitions and the return of the officer, shall be prima facie evidence of the facts therein stated.

**SECT. 2.** Any petition or proposition aforesaid, presented in the Senate or House of Representatives, and not having thereon the evidence of notice prescribed in the first section of this act, shall be referred to the legislature holding its session next after that to which it is presented, and shall not be otherwise acted upon; and all orders of notice upon applications for private or special legislation, other than those mentioned as aforesaid, shall be made returnable to said next legislature.

**SECT. 3.** The seventh section of chapter first of the Revised Statutes, concerning notice on petitions to the legislature, is hereby repealed.

[Approved April 4, 1859.]

**AN ACT** to amend chapter one hundred and fourteen of the Revised Statutes, relating to duties payable by certain public officers.

*Be it enacted by the Senate and House of Representatives, in Legislature assembled, as follows:*

The first section of the one hundred and fourteenth chapter of the Revised Statutes, is hereby repealed, and a new section substituted, as follows:

**SECTION 1.** No person appointed to the office of justice of the peace or justice of the peace and of the quorum, shall enter upon the discharge of his official duties until he has paid five dollars to the treasurer of State, or of the county for which he is appointed.

[Approved April 5, 1859.]

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